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Tobacco 603 (Burley)
Part I

Issued November 12, 1941

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

MARKETING QUOTA REGULATIONS
BURLEY TOBACCO, 1942-43 MARKETING YEAR

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Acreage Allotments for 1942

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GENERAL

Section 1. Definitions. As used in this procedure and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them, unless the context or subject-matter therwise requires.

- (a) BURLEY ALLOTMENT PROCEDURE FOR 1942 means this Tobacco 603 (Burley).
- (b) LOCAL COMMITTEE means the county and community committee utilized under the Act. "County Committee" or "Community Committee" shall have corresponding meanings in the connection in which they are used.
- (c) NEW FARM means a farm on which tobacco was not produced in any of the five years 1937 to 1941 but on which tobacco will be produced in 1942.
- (d) OLD FARM means a farm on which tobacco was produced in one or more of the five years 1937 to 1941 and on which tobacco will be produced in 1942.
- (e) OPERATOR means the person who, as owner, landlord, or tenant, is in charge of the supervision and the conduct of the farming operations on the entire farm.
- (f) STATE COMMITTEE means the group of persons so designated within any State to assist in the administration in the State of the Act.
- (g) TOBACCO means tobacco classified in Service and Regulatory Announcement Numbered 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture, as type 31 and known as Burley tobacco.

Sec. 2. Extent of calculations and rule of fractions.

- (a) All percentages shall be calculated to the nearest whole percent. Fractions of more than fifty-hundredths of one percent shall be rounded upward, and fractions of fifty-hundredths of one percent or less shall be dropped except as may be provided by the Regional Director. For example, 87.51 percent would become 88 percent and 87.50 percent would become 87 percent. (b) All acreage shall be calculated to the nearest one-tenth of an acre. Fractions of more than fifty-thousandths of an acre shall be rounded upward, and fifty-thousandths of an acre or less shall be dropped. For example, 1.051 would become 1.1 and 1.050 would become 1.0

Sec. 3. Instructions and forms. The Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture shall cause to be prepared and issued with his approval such instructions and such forms as may be necessary or expedient for carrying out this procedure.

Sec. 4. Applicability of procedure. This Burley allotment procedure for 1942 shall relate to, and be effective for, the establishment of farm acreage allotments for Burley tobacco for the year 1942.

ESTABLISHMENT OF ALLOTMENTS AND YIELDS FOR OLD FARMS

Sec. 5. Acreage allotments for old tobacco farms. The farm acreage allotment for an old farm shall be the 1941 acreage allotment for the farm plus any acreage by which such allotment was reduced because of violation of the 1940 marketing quota regulations unless adjusted in accordance with Sections 6 or 7 hereof: Provided, however that in case farms are retired from agricultural production either (1) because of their purchase or lease by a State or federal agency for any purpose or (2) because of acquisition for use in connection with the National Defense Program, any tobacco acreage allotted to such farms in 1942 shall be placed in a State pool. Such acreage shall be available for allotment by local committees. A farm shall be eligible for a 1942 allotment from the State pool provided that the 1942 operator of such farm was engaged in the production of tobacco in 1941 on a retired farm (or the county committee determines that he would have engaged in the production of tobacco in 1941 except for the retirement of such farm) for which a 1941 acreage allotment was established. The acreage allotment for such farm shall be that acreage which the county committee determines to be fair and reasonable for the farm taking into consideration the tobacco producing experience of the farm operator; land, labor and equipment available for the production of tobacco; crop rotation practices; the soil and other physical factors affecting the production of tobacco; and allotments determined for other old tobacco farms in the new community which are similar with respect to such factors. The acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the acreage allotment for the retired farm unless a larger allotment has been previously established for the newly acquired farm in which case the allotment for such farm shall be that acreage previously determined.

Sec. 6. Reduction of acreage allotment for violations of 1941 marketing quota regulations. If tobacco was sold or was permitted to be sold on a marketing card for any farm which was produced on a different farm the acreage allotment

for each farm shall be reduced by the amount of tobacco so marketed; provided that such reduction shall not be made if the Secretary, through the local committee, determines that no person connected with such farm caused, aided, or acquiesced in such marketing. If proof of the disposition of any amount of tobacco produced on a farm is not furnished, as required by the Secretary, the acreage allotment shall be reduced by such amount of tobacco.

The amount of tobacco involved will be converted to an acreage basis by dividing such amount of tobacco by the 1941 actual yield for the farm.

Sec. 7. Allotments by local committees. An amount not in excess of one-half of one percent of the 1941 acreage allotment for each State will be apportioned to the counties in the State on the basis of the percentage the county acreage allotment is of the State acreage allotment, unless otherwise recommended by the State committee and approved by the Regional Director. The acreage apportioned to the county will be available for allotment by the local committee. A farm shall be eligible for allotment as provided hereunder (1) if the committee finds that the 1941 allotment for the farm is relatively smaller in relation to the land, labor and equipment available for the production of tobacco on the farm than the average of the allotments in relation to the land, labor, and equipment available for the production of tobacco on other farms in the county, or (2) if tobacco was harvested on the farm in 1941 and the acreage allotment therefor was zero. In making the adjustment in the farm acreage allotment the local committee shall consider the past acreage of tobacco (harvested and diverted), the land, labor, and equipment available for the production of tobacco, and crop rotation practices. In no event shall the adjustment of the acreage allotment to any farm be more than the larger of ten percent of the 1941 allotment for the farm or five-tenths of an acre; provided that in the case of any farm on which tobacco was harvested in 1941 for which no acreage allotment was established the committee may establish an allotment not exceeding five-tenths of an acre.

Any adjustment as provided above shall be subject to the approval of the State committee.

Sec. 8. Reconstituted farms. (1) If land operated as a single farm in 1941 has been subdivided for 1942 into two or more tracts, the 1942 tobacco acreage allotment for the farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco on each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year, unless otherwise recommended by the county committee and approved by the State committee.

(2) If two or more farms operated separately in 1941 are combined into a single farm for 1942, the 1942 allotment shall be the sum of the 1942 allotments for each of the farms composing the combination.

Sec. 9. Determination of normal yields. The normal yield for any farm shall be that yield which the local committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the years 1936-40; (b) the soil and other physical factors affecting the production of tobacco on the farm and (c) the yields obtained on other farms in the locality which are similar with respect to such factors. The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county in 1941, unless an adjustment for abnormal conditions is made by the Secretary upon recommendations of the State committee.

ACREAGE ALLOTMENTS AND YIELDS FOR NEW FARMS

Sec. 10. Determination of acreage allotments for new farms. The acreage allotment for a new farm shall be that acreage which the local committee determines is fair and reasonable for the farm taking into consideration each of the following factors: The past tobacco experience of the farm operator; the acreage of cropland in the farm suitable for tobacco production; the acreage capacity of barns which are located on the farm and which are in usable condition and available for the curing of tobacco; the customary crop rotation practices; and the adaptability of the soil to the growing of tobacco; provided, that the acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the smallest of (1) one-fifth of the past acreage of tobacco grown by the farm operator 1937-1941; (2) 75 percent of the average acreage allotment for old farms in the county; or (3) one acre.

Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless the following conditions have been met:

- (a) The farm operator shall have had two years or more experience in growing tobacco as a share-cropper, tenant, or as a farm operator during the past five years;
- (b) The farm operator shall be living on the farm and largely dependent on this farm for his livelihood;
- (c) The farm covered by the application shall be the only farm owned or operated by the farm operator on which any tobacco is produced; and

- (d) No kind of tobacco other than Burley will be grown on the farm in 1942.

The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. The acreage available for establishing allotments for farms on which no tobacco was grown during the past five years shall be one-tenth of one percent of the national allotment.

Sec. 11. Time for filing application. In order to obtain an allotment for a new tobacco farm in 1942, the operator of the farm shall file an application therefor prior to February 1, 1942.

Sec. 12. Determination of normal yields. The normal yield for a new farm shall be that yield per acre which the local committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

BY VIRTUE OF THE AUTHORITY vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938),, as amended, he does hereby make, prescribe, publish and give public notice of the foregoing Part I of the Marketing Quota Regulations for Burley Tobacco for the 1942-43 Marketing Year, consisting of procedure for determination of farm acreage allotments, to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

(SEAL)

Done at Washington, D. C.,
this 12th day of November 1941.
Witness my hand and the seal of
the Department of Agriculture.

/s/ Claude R. Wickard
Secretary of Agriculture

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U.S. Agricultural adjustment administration.

U. S. DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT AGENCY

Marketing Quota Regulations,
Burley Tobacco - 1942-43 Marketing
Year

Part II

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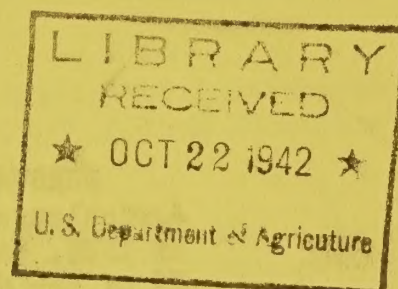
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PURSUANT TO THE AUTHORITY vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, public notice is hereby given of Part II of the Marketing Quota Regulations, Burley Tobacco - 1942-43 Marketing Year (Tobacco 603 Burley, as issued by the Secretary of Agriculture on November 12, 1941), which regulations shall be in force and effect until rescinded or suspended or amended or superseded by regulations hereafter made under said Act.

AUTHORITY: Sections 1 to 33, inclusive, are issued under authority contained in 52 Stat. 47, 48, 65, 66, 202; 53 Stat. 1261, 1262; 54 Stat. 393, 726; 56 Stat. 88; 7 U. S. C. 1940 ed. 1301 et seq.

GENERAL

Section 1. Definitions. As used in these regulations and in all in-
titions, forms and documents in connection therewith, the words and phrases
defined in this section shall have the meanings herein assigned to them
unless the context or subject matter otherwise requires.

(1) Act means the Agricultural Adjustment Act of 1938 and any admend-
ments thereto.

(2) Committee means a committee within a county or community established
under the Soil Conservation and Domestic Allotment Act. "County Committee",
"Local Committee", or "Community Committee" shall have corresponding meanings
in the connection in which they are used.

(3) County office means the office of the County Agricultural Conserva-
tion Association Committee or local committees or employees of such committee
according to the sense in which such term is used.

(4) Dealer means a person who engages to whatever extent, in the busi-
ness of acquiring tobacco from producers without regard to whether such per-
son is registered as a dealer with the Bureau of Internal Revenue.

(5) Farm means any tract or tracts of land which are considered as a
farm under the provisions of the 1942 Agricultural Conservation Program.

(6) Field Assistant means an employee of the Agricultural Adjustment
Agency, United States Department of Agriculture, whose duties involve primarily
the preparation and handling of auction warehouse and dealer records and re-
ports as they relate to tobacco marketing quotas.

(7) Floor sweepings means all tobacco which is dropped on the warehouse
floor in the course of the warehouse operations and is picked up by the ware-
hoursman. Any tobacco accumulated in the course of the grading of tobacco
for farmers shall not be included as floor sweepings.

(8) Market means the first disposition in raw or processed form of
tobacco by voluntary or involuntary sale, barter or exchange, or by gift inter
vivos. "Marketing" and "Marketed" shall have corresponding meanings to the
term "market."

(9) Marketing Quota Section means the Marketing Quota Section, East
Central Division, Agricultural Adjustment Agency, United States Department
of Agriculture.

(10) Nonwarehouse sale means any marketing of tobacco other than a ware-
house sale.

(11) Operator means the person who is in charge of the supervision and
the conduct of the farming operations on the entire farm.

(12) Person means an individual, partnership, association, corporation,
estate, trust, or any agency of a State or of the Federal Government. The term
"person" shall include two or more persons having a joint or common interest.

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(13) Pound means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight. The weight of redried or prized tobacco shall be increased so as to correspond with the original weight of such tobacco prior to redrying.

(14) Producer means a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm, or in the proceeds of the marketing, under the provisions of his agreement relating to the production of tobacco.

(15) Resale means the disposition by sale, barter, or exchange of tobacco which has been marketed previously.

(16) Sale day means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(17) Secretary of Agriculture means the Secretary or Acting Secretary of Agriculture of the United States.

(18) State committee or State office means the group of persons comprising the State Agricultural Conservation Committee appointed by the Secretary of Agriculture to assist within any State in the administration of the Soil Conservation and Domestic Allotment Act or the office of such persons.

(19) Suspended sale means any marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the particular sale day on which such marketing occurred.

(20) Tobacco means Burley tobacco classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as type 31. Any tobacco that has the same characteristics and corresponding qualities, colors and lengths as Burley tobacco shall be considered Burley regardless of any factors of historical or geographical nature which cannot be determined by an examination of the tobacco.

(21) Tobacco available for marketing means all tobacco produced on a farm in the calendar year 1942 (and any tobacco produced on the farm prior to the calendar year 1942 and carried over to the 1942-43 marketing year) which is not disposed of by a "Tobacco Carry-over Agreement", by use on the farm, or by storage prior to the issuance of a marketing card for the farm.

(22) Trucker means any person who engages in the business of trucking tobacco to market and selling it for producers regardless of whether the tobacco is acquired from producers by the trucker.

(23) Warehouseman means a person engaged in the business of holding sales of tobacco at public auction at a warehouse during the tobacco marketing season.

(24) Warehouse sale means a marketing by sale at auction through a warehouse in the regular course of business.

Sec. 2 Instructions and forms. The Administrator of the Agricultural Conservation and Adjustment Administration shall cause to be prepared and issued such instructions and such forms as may be deemed necessary or expedient for carrying out these regulations.

Sec. 3 Tobacco subject to marketing quotas. Any tobacco marketed during the period October 1, 1942, to September 30, 1943, inclusive, and any tobacco produced in the calendar year 1942 and marketed prior to October 1, 1942, shall be subject to the marketing quotas for the 1942-43 marketing year.

FARM MARKETING QUOTAS

Sec. 4 Amount of farm marketing quota. The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with Part I of the "Marketing Quota Regulations - Burley Tobacco - 1942-43 Marketing Year" (Tobacco 603 Part I). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1942 times the farm acreage allotment. The excess tobacco on any farm shall be that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1942 times the number of acres harvested in excess of the farm acreage allotment.

Sec. 5 Issuance of marketing card. A marketing card shall be issued for every farm having tobacco available for marketing. The card shall be issued after information required for its preparation (including measurements of the harvested acreage of tobacco and an estimate of the actual production of tobacco) has been furnished to or obtained by the county office. If the farm operator refuses to furnish or prevents the county office from obtaining such information the card shall show that all of the tobacco available for marketing from the farm is subject to penalty.

- a. Within Quota Marketing Card (MQ-656 Burley). A "Within Quota Marketing Card" authorizing the marketing without penalty of the actual production of tobacco on the farm in the 1942 calendar year and any tobacco carried over from a prior marketing year shall be issued for a farm unless an excess marketing card is required to be issued for the farm in accordance with paragraph b of this section.
- b. Excess Marketing Card (MQ-657 Burley). An "Excess Marketing Card" showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued for a farm under the following conditions:
 - (1) If the harvested acreage of tobacco in 1942 is in excess of the farm acreage allotment and such excess tobacco is not disposed of in accordance with Section 6 hereof, or if the operator of the farm also operates another farm on which the harvested acreage of tobacco in 1942 exceeds the farm acreage allotment and such excess is not disposed of in accordance with Section 6 hereof.
 - (2) If a within quota marketing card could be issued for the farm but the county committee determines that a zero percent excess marketing card is necessary to protect the interest of the government and to insure proper identification of and accounting for the disposition of tobacco

produced on the farm and the proper use of the marketing card issued for the farm.

- (3) If there is tobacco available for marketing from the farm but no tobacco acreage allotment was established and such tobacco is not disposed of as provided in Section 6 hereof.
- (4) If information required for preparation of the marketing card is not furnished or the county office is prevented from obtaining the necessary information.
- (5) If there is tobacco available for marketing from the farm carried over from a prior marketing year and the harvested acreage in 1942 is not less than the 1942 acreage allotment by an amount equivalent to the acreage of carry-over excess determined as provided in Section 5, c, hereof.
- (6) If a farm operated by a publicly owned experiment station produces tobacco for other than experimental purposes and such tobacco is not disposed of as provided in Section 6 hereof.

e. Extent to which marketings from a farm are subject to penalty. The extent to which marketings of tobacco from any farm having no carry-over tobacco are subject to penalty shall be that percentage of the tobacco available for marketing from the farm which the acreage of tobacco harvested in excess of the farm acreage allotment for the farm and not disposed of as provided in Section 6 of these regulations, is of the acreage of tobacco harvested from the farm. Each marketing card showing a percentage excess of zero also shall show the maximum number of pounds of tobacco which may be marketed therefrom, which shall be the quantity of tobacco estimated by the county committee to be available for marketing from the 1942 crop produced on the farm. For any excess marketing card which shows a percentage of excess of more than zero, the county committee, if it has reason to believe it to be necessary in order to prevent marketing thereunder of tobacco produced on another farm, also shall have shown on the card the maximum number of pounds which may be marketed thereunder, such number of pounds to be determined in the same manner as for a card showing zero percent excess. The maximum number of pounds shown on any excess marketing card shall be increased by the county committee if the committee determines that the quantity of tobacco available for marketing from the 1942 crop produced on the farm is greater than the number of pounds previously estimated by the committee to be available for marketing.

The extent to which marketings of tobacco from any farm having tobacco available for marketing which has been carried over from a prior marketing year are subject to penalty shall be the percentage determined as follows:

1. Determine the number of "carry-over acres" by dividing the number of pounds of tobacco carried over from the prior year by the normal yield for the farm for that year.
2. Determine the number of "within quota carry-over acres" by multiplying the "carry-over acres".

- (1 above) by the "percent within quota" (i.e., 100 percent minus the percent excess) for the year in which the carry-over tobacco was produced.
3. Determine the "total acres" of tobacco by adding the "carry-over acres" (1 above) and the acreage of tobacco harvested in the current year.
 4. Determine the excess acreage by subtracting from the "total acres" (3 above) the sum of the 1942 allotment and the "within quota carry-over acres" (2 above).
 5. Determine the percent excess to be shown on the marketing card by dividing the "total acres" into the excess acreage (4 above).
- d. Number of marketing cards and entries and signatures thereon. One or more marketing cards may be issued for any farm as approved by the county committee. All entries on each marketing card shall be made in accordance with the instructions for issuing the marketing card and the operator's agreement on each marketing card shall be signed, by the farm operator or on his behalf by his authorized representative.

Sec. 6 Disposition of excess tobacco. The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by any of the following methods:

- a. By executing a "Tobacco Carry-over Agreement", (Tobacco 628) and delivering, either to the county committee prior to the issuance of the marketing card or to a field assistant at the auction warehouse out of the first proceeds from the marketing of tobacco from the farm, a certified check, cashier's check or post office money order, or by a check drawn by the warehouseman, payable to Commodity Credit Corporation in an amount equal to the estimated actual yield of tobacco from the excess acreage times 85 percent of the parity price of Burley tobacco as of the beginning of the 1942-43 marketing year.
- b. By storage of the excess tobacco, the tobacco so stored to be representative of the entire 1942 crop produced on the farm, and posting of a bond or making of other arrangements approved by the county committee and the chief of the Marketing Quota Section which will guarantee payment of the amount of penalty which will become due upon the marketing of excess tobacco.
- c. By rendering the excess tobacco unmerchantable, the tobacco so rendered unmerchantable to be representative of the entire crop of tobacco produced on the farm in 1942 and the act of rendering the tobacco unmerchantable to be performed only by the farm operator (or his representative) under the supervision of the county committee (or a person designed by the committee).
- d. By payment to the county office by certified check, cashier's check, or money order drawn payable to the Treasurer of the United States of

an amount equal to 10 cents per pound times the estimated actual production of the excess acreage of tobacco harvested from the farm. Any additional amount of penalty due after the actual yield for the farm has been determined shall be paid by the operator not later than 20 days after receipt of notice of such additional penalty from the county office. This subsection d shall apply only in the event that the acreage harvested in excess of the allotment does not exceed the larger of two-tenths acre or 10 percent of the farm acreage allotment.

Sec. 7 Report on marketing card. The operator of each farm on which tobacco is produced in 1942 shall return to the county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets for the area in which the farm is located. Failure to return the marketing card to the county office within the time specified (after formal notification) shall constitute failure to give proof of disposition of tobacco marketed from the farm in the event that satisfactory proof of such disposition is not furnished otherwise.

Sec. 8 Additional reports by producers and identification of tobacco. In addition to any other reports which may be required under these regulations, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment and even though no allotment was established for the farm) shall, upon written request by the chairman of the State Committee and within ten days after the deposit of such request in the United States mails addressed to such person at his last known address, furnish the Secretary of Agriculture, by sending the same to the Chairman of the State Committee, a written report showing, as to the farm at the time of filing said report (a) the number of acres of tobacco harvested, (b) the total production of tobacco, (c) the amount of tobacco on hand and its location, and (d) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of marketing.

Sec. 9 Rights of producers in marketing card. Each producer having a share in the tobacco available for marketing from the farm shall be entitled to the use of the marketing card for marketing his proportionate share of the total amount of tobacco available for marketing from the farm; provided that the burden of any penalty with respect to carry-over tobacco shall be borne by those persons having an interest in such tobacco.

Sec. 10 Successors in interest. Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from the farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

Sec. 11 Person authorized to issue cards. The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. No marketing card shall be signed by the issuing officer until all other entries required to be made thereon have been made, except that the Operator's Agreement therein may be signed after the issuing officer has signed the card, but prior to the issuance of a memorandum of sale from the

card. Only one person shall be designated as issuing officer but such person may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards; provided that such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

Sec. 12 Invalid cards. A marketing card shall be invalid under any of the following conditions:

- a. If it is not issued or delivered in the form and manner prescribed;
- b. If entries are not made thereon as required;
- c. If it is lost, destroyed, stolen, or becomes illegible;
- d. If any erasure has been made;
- e. If any alteration has been made and not properly initialed; or
- f. If the amount due Commodity Credit Corporation with respect to a "Tobacco Carry-over Agreement" is not paid prior to the issuance of any memorandum of sale.

In the event any marketing card becomes invalid (other than by loss, destruction, theft, omission, alteration, or incorrect entry which can be corrected by a field assistant) the farm operator (or the person having the card in his possession) shall return it to the county office at which it was issued.

If any marketing card is lost, destroyed, stolen, or altered, the person having knowledge of such loss, destruction, theft, or alteration shall notify the county office to that effect, and the county office shall immediately notify the Marketing Quota Section.

If any marketing card which was reported as lost, destroyed, stolen, or altered is later received by the county office, the county office shall immediately notify the Marketing Quota Section of the receipt of such card.

After receipt of notice of loss, destruction or theft of any marketing card the county office may issue a duplicate marketing card to replace the lost, destroyed, or stolen card in accordance with instructions issued pursuant to these regulations.

In the event any marketing card was improperly issued, has been altered, or becomes illegible, upon the return of the card to the county office a new marketing card shall be issued immediately, or as soon thereafter as the necessary information is available.

If any entry is not made on a marketing card as required (either through omission or incorrect entry) and the proper entry is made by a field assistant then such card shall become valid. If the field assistant is unable to make the proper entry, he shall return the card to the county office where it shall

be retained until such entry is made, or a new marketing card is issued, as provided above.

Sec. 13 Additional cards and disposition of used cards. Upon the return to the county office of the marketing card after all the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. Any marketing card issued to replace another card shall have entered thereon the total sales as shown on the marketing card which is replaced.

Sec. 14. Report of probable misuse of marketing card. Any information which causes any field assistant, a member of any local committee, or an employee of the county office to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the State office and the Marketing Quota Section.

Sec. 15 No transfers. There shall be no transfer of marketing quotas (except as provided in Part I of these regulations) and the tobacco marketed under the marketing card issued for a farm shall consist only of tobacco produced on the farm.

MARKETING OF TOBACCO AND PENALTIES

Sec. 16 Memorandum of sale to identify every marketing. Each marketing of tobacco from a farm shall be identified by a memorandum of sale issued from the marketing card (MQ-656 Burley or MQ-657 Burley) for the farm but if a memorandum of sale cannot be obtained within four weeks after the date of the marketing of any tobacco at a warehouse sale, such marketing of tobacco shall be subject to penalty and the amount of penalty shall be shown on the memorandum of sale cleared without marketing card (Tobacco 618). The memorandum of sale shall be issued only by a field assistant, with the following exceptions:

1. A warehouseman, or his authorized representative, who has been authorized on form Tobacco 625, may issue a within quota memorandum of sale to identify a warehouse sale, if a field assistant is not available at the warehouse when the card is presented by the farmer and if no payment to Commodity Credit Corporation under a "Tobacco Carry-over Agreement" is due with respect to the tobacco to be covered by the memorandum. Each memorandum of sale issued by a warehouseman shall be presented promptly by him to the field assistant for verification with the warehouse records.
2. A representative of the county office may issue memoranda of sale covering sales of tobacco by the producer in small lots by mail order or directly to various individuals other than dealers.

The authorization to issue within quota memoranda of sale under paragraph 1 above may be withdrawn from any warehouseman or dealer upon written notice by the Chief of the Marketing Quota Section.

Each excess memorandum of sale, after issuance by a field assistant, shall be checked by the warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed, and the warehouseman or dealer shall be responsible for the correctness of such computations.

If the quantity of tobacco previously identified by memoranda of sale issued from any within quota marketing card is in excess of the number of pounds assigned to the card, the person issuing the memorandum shall require the farm operator to sign the "Operator's Certificate" on the back of the memorandum and if he is satisfied that such signature is the same as the signature of the farm operator on the marketing card, he may issued the memorandum. If any person other than the operator presents the marketing card, the memorandum of sale shall not be issued unless the "Authorization" on the back of such memorandum has been properly executed and signed by the operator. The person who presents the marketing card may sign on behalf of the farm operator, provided that such person places his address immediately beneath his signature. Any person authorized to issue a memorandum of sale under either of the above described circumstances who has reason to believe that the tobacco to be covered by the memorandum was not produced on the farm for which the marketing card containing the memorandum was issued, may or may not issue the memorandum as he considers advisable, but in either event he shall immediately make a written report of the circumstances in the case to the Marketing Quota Section.

Sec. 17 Bill of Nonwarehouse Sale. Each marketing of farm tobacco, except a warehouse sale, shall be identified by a Bill of Nonwarehouse Sale (Tobacco 614) completely executed by the buyer and the farm operator, except for the entry of the serial number of the memorandum of sale. The post card copy (Tobacco 614a) shall be mailed by the farm operator not later than the day following the day on which executed. The original of each Bill of Nonwarehouse Sale covering any marketing of tobacco shall be presented to a field assistant for issuance of a memorandum of sale (or a memorandum of sale cleared without marketing card) and for recording in the Dealer's Book in case of a purchase by a dealer other than a warehouseman. The original of each such Bill of Nonwarehouse Sale shall be forwarded with the applicable Dealer's Record (Tobacco 615).

Sec. 18 Marketings free of penalty. Any tobacco marketed from a farm which is identified by a valid memorandum of sale from the marketing card issued for the farm shall be free of penalty to the extent shown by the memorandum of sale.

Sec. 19 Marketings subject to penalty and collection of penalties.

- a. Farm tobacco. With respect to tobacco marketed from farms having from farms having excess tobacco available for marketing, the penalty shall be paid upon that proportion of each lot of tobacco which the tobacco available for marketing in excess of the farm quota (at the time of issuance of the marketing card) is of the total amount of tobacco available for marketing from the farm. The memorandum of sale issued to identify such marketing of tobacco shall show the portion of such marketing which is subject to penalty, and any portion

of such marketing of tobacco which is not shown by the memorandum as being subject to penalty shall be free of penalty.

- b. Dealer's tobacco. Any marketing of tobacco by a dealer which such dealer represents to be a resale, but all or any part of which, when added to prior resales by such dealer as shown on the Dealer's Record, is in excess of the total amount of purchases as shown on such Dealer's Record shall be a marketing of tobacco subject to penalty unless and until the dealer furnishes proof acceptable to the Secretary showing that such tobacco is not subject to penalty. Any marketing of tobacco by a dealer which such dealer represents to be a resale of tobacco previously purchased by him but which, because of the difference in the price at which such tobacco is resold as compared with the price at which he had purchased the tobacco, cannot reasonably be regarded as tobacco previously purchased by him shall be taken to be a marketing of tobacco subject to penalty.
- c. Tobacco not identified by a valid memorandum. Any marketing of tobacco which is not identified by a valid memorandum of sale shall be subject to penalty.
- d. Liability in case of error on memorandum. The person liable for the payment of the penalty upon any marketing of tobacco shall not be relieved of such liability because of any error which may occur on the memorandum of sale.

Sec. 20 Persons to pay penalty. The person to pay the penalty due on any marketing of excess tobacco shall be one of the following as applicable:

- a. Warehouseman. If the tobacco is marketed by the producer through a warehouseman the penalty shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the producer.
- b. Dealer. If the tobacco is acquired from the producer by a dealer, the penalty shall be paid by the dealer who may deduct an amount equivalent to the penalty from the price paid to the producer.
- c. Agent. If the tobacco is marketed by the producer through an agent who is not a warehouseman, the penalty shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.
- d. Producer on behalf of buyer in case of mail order or direct sales in small lots. If the tobacco is marketed in small lots by the producer by mail order sales or directly to various individuals other than dealers, the penalty may be paid by the producer of such tobacco on behalf of the various buyers. In such case the buyer of such tobacco shall be relieved of the penalty to the extent that it is paid by the producer.
- e. Warehouseman and dealer on dealer's tobacco. Any penalty due upon tobacco subject to penalty under paragraph (b) of Section 19 shall be

paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the dealer, but the dealer shall not be relieved of responsibility for payment of such penalty.

- f. Producer marketing outside United States. If the tobacco is marketed by the producer directly to any person outside the United States, the penalty shall be paid by the producer.

Sec. 21. Rate of penalty. The penalty shall be ten cents per pound upon the marketing of any tobacco in excess of the marketing quota for the farm on which the tobacco is produced and on the marketing of any other tobacco not identified under these regulations as being free of penalty.

Sec. 22. Penalty for false identification or failure to account for disposition of tobacco. If any producer falsely identifies or fails to account for disposition of any tobacco, an amount of tobacco equal to the normal yield of the number of acres harvested in 1942 in excess of the farm acreage allotment shall be deemed to have been marketed in excess of the marketing quota for the farm and the penalty in respect thereof shall be paid and remitted by the producer.

Sec. 23. Payment of penalty. Penalties upon the marketing of tobacco shall become due at the time of the marketing and shall be paid by remitting the amount thereof to the applicable field office as shown in the Marketing Quota Instructions, Tobacco 622, not later than the end of the calendar week following the week in which the memorandum of sale was issued, or, in the event a memorandum is not issued, not later than four weeks after the date upon which the tobacco was sold. A draft, money order, or check, payable to the order of the Treasurer of the United States may be used to pay any penalty, but any such draft, or check shall be received subject to payment at par.

Sec. 24. Application for return of penalty. Any producer of tobacco and any other person who bore the burden of the payment of any penalty collected may file an application for return of the amount of such penalty which is in excess of that amount equal to ten cents per pound upon the number of pounds marketed in excess of the farm marketing quota. Any application for return of any penalty shall be filed on form Tobacco 624, "Application for Return of Penalty."

An application for the return of penalty filed by any producer of tobacco on a farm on which the tobacco available for marketing is in excess of the farm marketing quota shall not be approved unless (1) the marketing of tobacco from the farm has been completed and (2) disposition of all unmarketed excess tobacco has been made under the supervision of the county committee (or its representative) and has been approved by the county committee.

Return of penalty collected upon marketings of tobacco from any farm on which the tobacco available for marketing is in excess of the farm marketing quota shall be made only upon the basis of tobacco produced on the farm and, if the county committee has good cause to believe that any of the unmarketed excess tobacco as reported for the farm by the farm operator was not actually produced thereon, the application for such farm shall not be approved with respect to that tobacco which the committee has good cause to believe was not

produced on the farm. The county committee shall approve an Application for Return of Penalty only for that number of pounds of unmarketed excess tobacco which the committee determines is representative of the entire amount of tobacco available for marketing from the farm in the 1942-43 marketing year, taking into account the value of the unmarketed excess tobacco (which is disposed of) as appraised by the county committee (or its representative) and the value of tobacco marketed from the farm.

RECORDS AND REPORTS

Sec. 25 Warehouseman's Records and Reports.

- a. Record of marketings. Each warehouseman shall keep such records as will enable him to furnish to the Secretary of Agriculture a report of the following information with respect to each sale or resale of tobacco made at his warehouse:
1. The name of the seller (and, in the case of a sale for a producer, the name of the operator of the farm on which the tobacco was produced);
 2. The name of the purchaser;
 3. The date of sale;
 4. The number of pounds sold;
 5. The sale price; and
 6. The amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer (or a dealer).

All purchases and resales for the warehouse leaf account shall be so identified in the records and a separate account shall be maintained with respect to the amount of floor sweepings picked up and the disposition of such floor sweepings. The quantity of floor sweepings, including bundles, leaves and scrap, picked up by the warehouse after each sale shall be reported in the space provided on the Auction Warehouse Report (Tobacco 616). Any warehouseman who grades tobacco for farmers shall maintain a separate account showing the approximate amount of grading house scrap obtained from the tobacco graded from each farm. In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

- b. Identification of sale on check register. The serial number of the memorandum of sale issued to identify each marketing of tobacco from the farm or the number or the warehouse bill(s) covering each such marketing shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.
- c. Memorandum of sale record and bill of nonwarehouse sale record. A record in the form of a valid memorandum of sale (or a memorandum of sale cleared without marketing card) shall be obtained by every ware-

houseman to cover each marketing of tobacco from a farm through the warehouse, and if a warehouseman buys tobacco directly from a farmer (other than at a warehouse auction sale as defined in these regulations) such warehouseman shall obtain a valid memorandum of sale to cover each such purchase of tobacco, together with properly executed Bill of Nonwarehouse Sale (Tobacco 614). Any warehouseman who obtains possession of any grading house scrap in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such scrap tobacco from such farm.

- d. Suspended sale record. Any warehouse bills covering farm tobacco for which the memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "suspended", write thereon the serial number of the suspended sale, and record the bills on the Register of Suspended Sales (Tobacco 612); provided that if a field assistant is not available, the warehouseman may stamp such bills "suspended" and deliver them to a field assistant as soon as one is available.
- e. Warehouse entries on dealers' records. Each warehouseman shall enter on such Dealer's Record (Tobacco 615) the total of purchases and resales made by such dealer during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1942 the entry on the Dealer's Record shall clearly show such fact.
- f. Daily report of warehouse business and report of penalties. Each warehouseman shall make reports on form Tobacco 616, Auction Warehouse Report, and on form Tobacco 617, Report of Penalties, showing the information required on the respective reports. Form Tobacco 616 shall be prepared for each sale day and all reports for the sale days occurring during any week shall be forwarded to the Marketing Quota Section not later than the end of the next following calendar week. Form Tobacco 617 shall be prepared for each week and the report for each week shall be forwarded, together with remittances of the penalties due, as shown thereon, to the Marketing Quota Section not later than the end of the following calendar week.
- g. Summary of warehouse accounts. Each warehouseman shall assist field assistants to prepare summaries of the warehouse account by making available all records kept and reports made by the warehouse as required by these regulations.
- h. Additional records and reports. In addition to the records and reports provided above, each warehouseman shall keep such additional records and make such additional reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary in order to enforce these regulations.

Sec. 26 Dealer's records and reports. Each dealer, except as provided in Section 27 below, shall keep the records and make the reports as provided by this section.

- a. Report of dealer's name, address and registration number. Each dealer shall properly execute and the field assistant shall detach and forward to the Marketing Quota Section the page "Receipt for Dealer's Record" contained in form Tobacco 615, "Dealer's Record" which is issued to the dealer.
- b. Record and report of purchases and resales. Each dealer shall keep a record and make reports on form Tobacco 615, "Dealer's Record", showing all purchases and resales of tobacco made by the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1942, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1942.
- c. Report of penalties. Each dealer shall make a report on form Tobacco 617 showing the information with respect to all purchases subject to penalty made by him during each calendar week. The penalties listed on each such report shall be remitted with the report.
- d. Memorandum of sale record and Bill of Nonwarehouse Sale Record. For each lot of tobacco purchased from a farmer each dealer shall obtain a record in the form of a valid memorandum of sale issued by a field assistant. No memorandum of sale shall be issued unless:
 1. The farm operator or his authorized agent has signed the "Authorization" on the back of the memorandum; and
 2. Unless a properly executed Bill of Nonwarehouse Sale (Tobacco 614) is presented covering such sale.
- e. Additional records. Each dealer shall keep such records, in addition to the foregoing, as may be necessary to enable him to furnish the following information with respect to each lot of tobacco purchased or sold by him:
 1. The name of the seller (and in the case of a purchase from a producer, the name of the operator of the farm on which the tobacco was produced);
 2. The name of the purchaser;
 3. The date of the transaction;
 4. The number of pounds and the gross sale price; and
 5. In the event of resale of tobacco bought by him and carried over from a crop produced prior to 1942, the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the Marketing Quota Section not later than the end of the week following the calendar week covered by the reports.

Sec. 27 Dealers exempt from regular records and reports. Any dealer who does not purchase or otherwise acquire tobacco except at a warehouse sale and

who does not resell, in the form in which tobacco ordinarily is sold by farmers, more than ten-percent of the tobacco purchased by him, shall not be subject to the provisions of Section 26 of these regulations; but each such dealer shall make such reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary to enforce those regulations.

Sec. 28 Records and reports of truckers, redryers, etc. Every person engaged in the business of trucking tobacco for producers shall keep such records as will enable him to furnish the Secretary of Agriculture a report with respect to each lot of tobacco received by him showing the following information:

1. The name and address of the farm operator;
2. The date of the receipt of the tobacco; and
3. The number of pounds received and the place to which it was delivered.

Every person engaged in the business of redrying, prizing, or stemming tobacco for producers shall keep such records as will enable him to furnish the Secretary of Agriculture a report showing the information provided above for truckers and in addition the purpose for which the tobacco was received, the amount of advance made by him on the tobacco, and the disposition of the tobacco. Each such person shall make such reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary to enforce these regulations.

Sec. 29 Separate records and reports from persons engaged in more than one business. Any person who is required to keep any record or make any report as a warehouseman, dealer, processor, or as a person engaged in the business of redrying, prizing, or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged, to the same extent for each such business as if he were engaged in no other business, except that a warehouseman shall not be required to keep a record and make reports on form Tobacco 616, "Dealer's Record", if the transactions which would be recorded and reported on such forms are recorded on the records kept by the warehouse in its regular course of business and reported as required on form Tobacco 616.

Sec. 30 Failure to keep record or make report. Any warehouseman, processor, or common carrier of tobacco, or person engaged in the business of purchasing tobacco from producers, or person engaged in the business of redrying, prizing or stemming tobacco for producers, who fails to make any report or keep any record as required under these regulations, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of \$100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation; Provided, that such fine shall not exceed \$5,000; and notice of such violation

shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or dealer shall be given by the Chief of the Marketing Quota Section.

Sec. 31 Examination of records and reports. For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, any warehouseman, dealer, processor, common carrier or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available for examination, upon written request by the Chief of the Marketing Quota Section such books, papers, records, accounts correspondence, contracts, documents and memoranda as he has reason to believe are relevant and are within the control of such person.

Sec. 32 Length of time records and reports to be kept. Records required to be kept and copies of the reports required to be made by any person under these regulations for the 1942-43 marketing year shall be kept by him until September 30, 1944, and for such longer period of time as may be requested in writing by the chief of the Marketing Quota Section.

Sec. 33 Information confidential. All data reported to or acquired by the Secretary of Agriculture pursuant to the provisions of these regulations shall be kept confidential by all officers and employees of the Department of Agriculture and only such data so reported or acquired as the Secretary of Agriculture deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.

(Seal)

Done at Washington, D. C.,
this 15th day of September 1942.
Witness my hand and the seal of the
Department of Agriculture.

/s/ Grover B. Hill
Acting Secretary of Agriculture

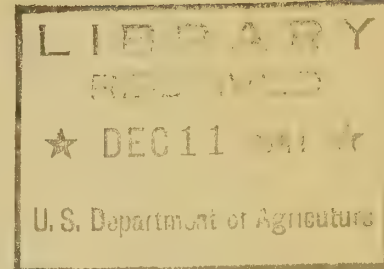
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UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

MARKETING QUOTA REGULATIONS
DARK AIR-CURED TOBACCO, 1942-43 MARKETING YEAR

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Acreage Allotments for 1942



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GENERAL

Section 1. Definitions. As used in this procedure and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them, unless the context or subject-matter otherwise requires.

- (a) DARK AIR-CURED TOBACCO ALLOTMENT PROCEDURE FOR 1941 means this Form Tobacco 603 (Dark Air-cured) Part I.
- (b) LOCAL COMMITTEE means the county and community committees utilized under the Act. "County committee" or "Community committee" shall have corresponding meanings in the connection in which they are used.
- (c) NEW FARM means a farm on which dark air-cured tobacco was not produced in any of the five years 1937 to 1941 but on which dark air-cured tobacco will be produced in 1942.
- (d) OLD FARM means a farm on which dark air-cured tobacco was produced in one or more of the five years 1937 to 1941, and on which dark air-cured tobacco will be produced in 1942.
- (e) OPERATOR means the person who, as owner, landlord, or tenant, is in charge of the supervision and the conduct of the farming operations on the entire farm.
- (f) STATE COMMITTEE means the group of persons so designated within any State to assist in the administration in the State of the Act.
- (g) DARK AIR-CURED TOBACCO means tobacco classified in Service and Regulatory Announcement Numbered 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as types 35 and 36 and described in the Agricultural Adjustment Act of 1938, as amended, as dark air-cured tobacco.

Sec. 2. Extent of calculations and rule of fractions.

All acreages except the preliminary farm acreage allotment and the final farm acreage allotment for 1942 shall be calculated to the nearest one-hundredth of an acre. The preliminary and final 1942 farm acreage allotment shall be calculated to the nearest one-tenth of an acre and fractions of fifty-one thousandths of an acre or more shall be rounded upward and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would become 1.1 and 1.050 would become 1.0.

Sec. 3. Instructions and forms. The administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture shall cause to be prepared and issued with his approval such instructions and such forms as may be necessary or expedient for carrying out this procedure.

Sec. 4. Applicability of procedure. This Tobacco 603 (Dark Air-cured) Part I shall relate to, and be effective for, the establishment of farm acreage allotments for dark air-cured tobacco for the year 1942.

DETERMINATION OF ACREAGE ALLOTMENTS AND YIELDS FOR OLD FARMS

Sec. 5. 1942 acreage allotments for old farms. The 1942 dark air-cured tobacco acreage allotment for an old farm shall be the preliminary 1942 dark air-cured tobacco acreage allotment for the farm adjusted in accordance with section 7, provided, however, that in case farms are retired from agricultural production either (1) because of their purchase or lease by a State or federal agency for any purpose or (2) because of acquisition for use in connection with the National Defense Program, any tobacco acreage allotted to such farms in 1942 shall be placed in a State pool. Such acreage shall be available for allotment by local committees. A farm shall be eligible for a 1942 allotment from the State pool provided that the 1942 operator of such farm was engaged in the production of tobacco in 1941 on a retired farm (or the county committee determines that he would have engaged in the production of tobacco in 1941 except for the retirement of such farm) for which a 1941 tobacco acreage allotment was established. The acreage allotment for such farm shall be that acreage which the county committee determines to be fair and reasonable for the farm taking into consideration the tobacco-producing experience of the farm operator; land, labor and equipment available for the production of tobacco; crop rotation practices; the soil and other physical factors affecting the production of tobacco; and allotments determined for other old tobacco farms in the new community which are similar with respect to such factors. The acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the acreage allotment for the retired farm unless a larger allotment has been previously established for the newly acquired farm in which case the allotment for such farm shall be that acreage previously determined.

Sec. 6. Determination of preliminary 1942 acreage allotment for old farm. The preliminary 1942 dark air-cured tobacco acreage allotment for an old farm shall be that percent of the 1942 normal acreage for the farm which the 1942 State acreage allotment is of the 1942 normal acreage of tobacco for all old farms in the State; Provided, that if the acreage allotment so determined for any farm (except a farm operated, controlled, or directed by a person who also operates, controls or directs

another farm on which dark air-cured tobacco is produced) is less than that acreage which with the normal yield would produce 2,400 pounds of tobacco, such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) that acreage, which when multiplied by the normal yield would produce 2,400 pounds of tobacco.

- A. Determination of 1942 normal acreage for old dark air-cured tobacco farms. The 1942 normal acreage for an old farm shall be the 1941 dark air-cured tobacco acreage allotment plus diversion, adjusted as provided below.
- B. Adjustment of 1942 normal acreage. The 1942 normal acreage for an old farm, determined as provided above, shall be adjusted so as to take into account any changes for the farm for 1942 in respect to the past acreage of tobacco (harvested and diverted acreage in the five years 1937-41 as compared with the five years 1936-40) making due allowance for the effect of drought, flood, hail, other abnormal weather conditions, plant-bed and other diseases; land, labor, and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco: Provided, that in determining the 1941 acreage of tobacco any amount by which the 1941 harvested acreage is less than the 1941 farm acreage allotment shall be considered as diverted acreage.
- C. Determination of 1941 acreage allotment plus diversion. The 1941 allotment plus diversion for any farm shall be computed as follows:

<u>Size of 1940 Acreage Allotment</u>	<u>Size of 1941 Acreage Allotment</u>	<u>Dark Air-cured To- bacco Allotment Plus Diversion</u>
3.5 acres or less	2.6 acres or less	194% of allotment
3.6 acres	2.7 acres	196% " "
3.7 acres	2.8 acres	211% " "
3.8 acres	2.8 acres	225% " "
3.9 acres or more	2.9 acres or more	233% " "

The above method of determining preliminary 1942 dark air-cured tobacco acreage allotments will result in a preliminary 1942 acreage allotment equal to the 1941 acreage allotment for a farm except for those farms for which the normal acreage is adjusted as provided in paragraph B above; therefore, for all other farms the committee may, in lieu thereof, establish the preliminary 1942 allotment at the same acreage as 1941 acreage allotment.

Sec. 7. Adjustment of preliminary 1942 acreage allotment. An acreage not in excess of one-half of one percent of the State acreage allotment for dark air-cured tobacco shall be apportioned to each county in the State on the basis of the percentage the total 1941 dark air-cured tobacco acreage allotment in each county is of the State acreage allotment for dark air-cured tobacco, adjusted between counties as recommended by the State committee and approved by the Regional Director in such manner as will be fair and equitable taking into consideration the factors affecting the production of tobacco in the different counties in the State. Such acreage shall be used by the local committees as hereinafter provided in this section, if the committees find that such action will establish allotments which are fair and equitable taking into consideration the past acreage of dark air-cured tobacco grown on the farm; land, labor, and equipment available for the production of dark air-cured tobacco; crop rotation practices; and the adaptability of the soil to the growing of dark air-cured tobacco. The acreage available in each county may be used for establishing 1942 dark air-cured tobacco acreage allotments and for adjusting upward preliminary 1942 dark air-cured tobacco acreage allotments in the following order and under the following conditions:

- A. The acreage by which 1942 allotments established as provided in subsection B of Section 6 hereof exceeds the 1941 acreage allotments for such farms shall be deducted from the acreage apportioned to the county as provided above.
- B. 1942 dark air-cured tobacco acreage allotments may be established for farms which grew dark air-cured tobacco in 1941 for which no dark air-cured tobacco acreage allotment was established in such year. Any such allotment shall not exceed the larger of five-tenths acre or 10 percent of the 1941 harvested acreage of dark air-cured tobacco.
- C. The preliminary 1942 dark air-cured tobacco acreage allotment for any farm may be adjusted upward. Such adjustment shall not exceed the larger of 10 percent of the 1942 preliminary acreage allotment or one-half acre.

Any allotment established or adjusted as provided above shall be subject to the approval of the State committee.

Sec. 8. Reduction of acreage allotment for violations of 1941 marketing quota regulations. If tobacco was sold or was permitted to be sold on a marketing card for any farm which was produced on a different farm the acreage allotment for each farm shall be reduced by the amount of tobacco so marketed;

provided that such reduction shall not be made if the Secretary, through the local committee, determines that no person connected with such farm caused, aided, or acquiesced in such marketing. If proof of the disposition of any amount of tobacco produced on a farm is not furnished, as required by the Secretary, the acreage allotment shall be reduced by such amount of tobacco.

The amount of tobacco involved will be converted to an acreage basis by dividing such amount of tobacco by the 1941 actual yield for the farm.

Sec. 9. Reconstituted farms. (1) If land operated as a single farm in 1941 has been subdivided for 1942 into two or more tracts, the 1942 dark air-cured tobacco acreage allotment established for the farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of dark air-cured tobacco on each such tract in such year bore to the total number of acres of cropland suitable for the production of dark air-cured tobacco on the entire farm in such year unless otherwise recommended by the county committee and approved by the State committee.

(2) If two or more farms operated separately in 1941 are combined into a single farm for 1942, the 1942 dark air-cured tobacco allotment shall be the sum of the 1942 dark air-cured tobacco allotment for each of the farms composing the combination.

Sec. 10. Determination of normal yields. The normal yield for any farm shall be the average of the yields obtained on the farm during the years 1936-40, adjusted by the local committee so as more accurately to reflect the normal yield on the farm represented by the soil and other physical factors affecting the production of dark air-cured tobacco, by taking into consideration yields obtained on other farms in the locality which are similar with respect to such factors. The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county in 1941 unless an adjustment for abnormal conditions is made by the Secretary upon recommendation of the State committee.

DETERMINATION OF ACREAGE ALLOTMENTS AND YIELDS FOR NEW FARMS

Sec. 11. Determination of dark air-cured tobacco acreage allotments for new farms. The dark air-cured tobacco acreage allotment for a new farm for 1942 shall be that acreage which the local committee determines is fair and reasonable for the farm taking into consideration each of the following factors: The past dark air-cured tobacco experience of the farm operator; the acreage of cropland in the farm suitable for dark air-cured tobacco production; the acreage capacity of barns which are located on the farm and which are in usable condition and

available for the curing of dark air-cured tobacco, the customary crop rotation practices and the adaptability of the soil to the growing of dark air-cured tobacco; provided, that the acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the smallest of (1) one-fifth of the past acreage of dark air-cured tobacco grown by the farm operator in the years 1937-1941; (2) 75 percent of the average dark air-cured tobacco acreage allotment for old farms in the county, or (3) one acre.

Notwithstanding any other provisions of this section a dark air-cured tobacco acreage allotment shall not be established for any new farm unless the following conditions have been met:

- A. The farm operator shall have had two years or more experience in growing dark air-cured tobacco as a share-cropper, tenant, or as a farm operator during the past five years;
- B. The farm operator shall be living on the farm and largely dependent on this farm for his livelihood;
- C. The farm covered by the application shall be the only farm owned or operated by the farm operator on which tobacco of any kind is produced;
- D. There is a dark air-cured tobacco curing barn in condition for use on the farm; and
- E. No kind of tobacco other than dark air-cured tobacco will be grown on the farm in 1942.

The dark air-cured tobacco acreage allotments determined as provided in this section shall be subject to such adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new dark air-cured tobacco farms.

The dark air-cured tobacco acreage available for establishing allotments for farms on which no dark air-cured tobacco was grown during the past five years shall be one-tenth of one percent of the national allotment for dark air-cured tobacco.

Sec. 12. Time for filing application. In order to obtain an allotment for a new dark air-cured tobacco farm in 1942, the operator of the farm shall file an application therefor on Tobacco 608 prior to February 1, 1942.

Sec. 13. Determination of normal yields. The normal yield for a new farm shall be that yield per acre which the local committee determines is reasonable for the farm as

compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of dark air-cured tobacco are similar.

BY VIRTUE OF THE AUTHORITY vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938), as amended, he does hereby make, prescribe, publish and give public notice of the foregoing Part I of the Marketing Quota Regulations for Dark Air-cured Tobacco for the 1942-43 Marketing Year, consisting of procedure for determination of farm acreage allotments, to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

(SEAL)

Done at Washington, D. C.,
this 8th day of November 1941.
Witness my hand and the seal of
the Department of Agriculture.

/S/ Claude R. Wickard
Secretary of Agriculture

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Reserve

Tobacco 603 (Dark Air-cured)
Part II

Issued September 28, 1942

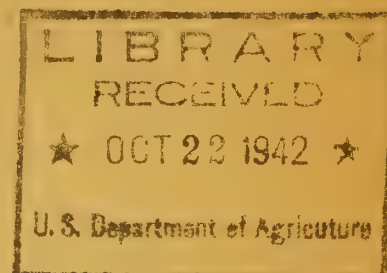
United States Department of Agriculture

AGRICULTURAL ADJUSTMENT AGENCY

Marketing Quota Regulations,
Dark Air-cured Tobacco - 1942-43
Marketing Year

Part II

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PURSUANT TO THE AUTHORITY vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, public notice is hereby given of Part II of the Marketing Quota Regulations, Dark Air-cured Tobacco - 1940-43 Marketing Year (Tobacco 603 Dark Air-cured, as issued by the Secretary of Agriculture on November 8, 1941), which regulations shall be in force and effect until rescinded or suspended or amended or superseded by regulations hereafter made under said Act.

Authority: Sections 1 to 33, inclusive, are issued under authority contained in 52 Stat. 47, 48, 65, 66, 202; 53 Stat. 1261, 1262; 54 Stat. 393, 1209, 728; 55 Stat. 88; 7 U. S. C. 1940 ed. 1301 et seq.

GENERAL

Section 1. Definitions. As used in these regulations and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(1) Act means the Agricultural Adjustment Act of 1933 and any amendments thereto.

(2) Committee means a committee within a county or community established under the Soil Conservation and Domestic Allotment Act. "County Committee", "Local Committee", or "Community Committee" shall have corresponding meanings in the connection in which they are used.

(3) County office means the office of the County Agricultural Conservation Association Committee, or the county or local committees or employees of such committee according to the sense in which such term is used.

(4) Dealer means a person who engages to whatever extent, in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(5) Farm means any tract or tracts of land which are considered as a farm under the provisions of the 1942 Agricultural Conservation Program.

(6) Field Assistant means an employee of the Agricultural Adjustment Agency, United States Department of Agriculture, whose duties involve primarily the preparation and handling of auction warehouse and dealer records and reports as they relate to tobacco marketing quotas.

(7) Floor sweepings means all tobacco which is dropped on the warehouse floor in the course of the warehouse operations and is picked up by the warehouseman. Any tobacco accumulated in the course of the grading of tobacco for farmers shall not be included as floor sweepings.

(8) Market means the first disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter or exchange, or by gift inter vivos. "Marketing" and "Marketed" shall have corresponding meanings to the term "market".

(9) Marketing Quota Section means the Marketing Quota Section, East Central Division, Agricultural Adjustment Agency, United States Department of Agriculture, Washington, D. C.

(10) Nonwarehouse sale means any marketing of tobacco other than a warehouse sale.

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(11) Operator means the person who is in charge of the supervision and the conduct of the farming operations on the entire farm.

(12) Person means an individual, partnership, association, corporation, estate, trust, or any agency of a State or of the Federal Government. The term "person" shall include two or more persons having a joint or common interest.

(13) Pound means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight. The weight of redried or prized tobacco shall be increased so as to correspond with the original weight of such tobacco prior to redrying.

(14) Producer means a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm, or in the proceeds of the marketing, under the provisions of his agreement relating to the production of tobacco.

(15) Resale means the disposition by sale, barter, or exchange of tobacco which has been marketed previously.

(16) Sale day means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(17) Secretary of Agriculture means the Secretary or Acting Secretary of Agriculture of the United States.

(18) State committee or State office means the group of persons comprising the State Agricultural Conservation Committee appointed by the Secretary of Agriculture to assist within any State in the administration of the Soil Conservation and Domestic Allotment Act or the office of such persons.

(19) Suspended sale means any marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the particular sale day on which such marketing occurred.

(20) Tobacco means dark air-cured tobacco classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as types 35 and 36, and collectively known as dark air-cured tobacco.

(21) Tobacco available for marketing means all tobacco produced on a farm in the calendar year 1942 (and any tobacco produced on the farm prior to the calendar year 1942 and carried over to the 1942-43 marketing year) which is not disposed of by a "Tobacco Carry-over Agreement", by use on the farm, or by storage prior to the issuance of a marketing card for the farm.

(22) Trucker means any person who engages in the business of trucking tobacco to market and selling it for producers regardless of whether the tobacco is acquired from producers by the trucker.

(23) Warehouseman means a person engaged in the business of holding sales of tobacco at public auction at a warehouse during the tobacco marketing season.

(24) Warehouse sale means a marketing by sale at auction through a warehouse in the regular course of business.

Sec. 2. Instructions and forms. The Administrator of the Agricultural Conservation and Adjustment Administration shall cause to be prepared and issued such instructions and such forms as may be deemed necessary or expedient for carrying out these regulations.

Sec. 3. Tobacco subject to marketing quotas. Any tobacco marketed during the period October 1, 1942, to September 30, 1943, inclusive, and any tobacco produced in the calendar year 1942 and marketed prior to October 1, 1942, shall be subject to the marketing quotas for the 1942-43 marketing year.

FARM MARKETING QUOTAS

Sec. 4. Amount of farm marketing quota. The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with Part I of the "Marketing Quota Regulations - Dark Air-cured Tobacco - 1942-43 Marketing Year" (Tobacco 603 Part I). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1942 times the farm acreage allotment. The excess tobacco on any farm shall be that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1942 times the number of acres harvested in excess of the farm acreage allotment.

Sec. 5. Issuance of marketing card. A marketing card shall be issued for every farm having tobacco available for marketing. The card shall be issued after information required for its preparation (including measurements of the harvested acreage of tobacco and an estimate of the actual production of tobacco) has been furnished to or obtained by the county office. If the farm operator refuses to furnish or prevents the county office from obtaining such information, the card shall show that all of the tobacco available for marketing from the farm is subject to penalty.

a. Within Quota Marketing Card (MQ-656 Dark Air-cured). A "Within Quota Marketing Card" authorizing the marketing without penalty of the actual production of tobacco on the farm in the 1942 calendar year and any tobacco carried over from a prior marketing year shall be issued for a farm unless an excess marketing card is required to be issued for the farm in accordance with paragraph b of this section.

b. Excess Marketing Card (MQ-657 Dark Air-cured). An "Excess Marketing Card" showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued for a farm under the following conditions:

- (1) If the harvested acreage of tobacco in 1942 is in excess of the farm acreage allotment and such excess tobacco is not disposed of in accordance with Section 6 hereof, or if the operator of the farm also operates another farm on which the harvested acreage of tobacco in 1942 exceeds the farm acreage allotment and such excess is not disposed of in accordance with Section 6 hereof.
- (2) If a within quota marketing card could be issued for the farm but the county committee determines that a zero percent excess marketing card is necessary to protect the interest of the government and to insure proper identification of and accounting for the disposition of tobacco produced on the farm and the proper use of the marketing card issued for the farm.
- (3) If there is tobacco available for marketing from the farm but no tobacco acreage allotment was established and such tobacco is not disposed of as provided in Section 6 hereof.
- (4) If information required for preparation of the marketing card is not furnished or the county office is prevented from obtaining the necessary information.
- (5) If there is tobacco available for marketing from the farm carried over from a prior marketing year and the harvested acreage in 1942 is not less than the 1942 acreage allotment by an amount equivalent to the acreage of carry-over excess determined as provided in Section 5, c, hereof.
- (6) If a farm operated by a publicly owned experiment station produces tobacco for other than experimental purposes and such tobacco is not disposed of as provided in Section 6 hereof.

c. Extent to which marketings from a farm are subject to penalty. The extent to which marketings of tobacco from any farm having no carry-over tobacco are subject to penalty shall be that percentage of the tobacco available for marketing from the farm which the acreage of tobacco harvested in excess of the farm acreage allotment for the farm and not disposed of as provided in Section 6 of these regulations, is of the acreage of tobacco harvested from the farm. Each marketing card showing a percentage excess of zero also shall show the maximum number of pounds of tobacco which may be marketed thereunder, which shall be the quantity of tobacco estimated by the county committee to

be available for marketing from the 1942 crop produced on the farm. For any excess marketing card which shows a percentage of excess of more than zero, the county committee, if it has reason to believe it to be necessary in order to prevent marketing thereunder of tobacco produced on another farm, also shall have shown on the card the maximum number of pounds which may be marketed thereunder, such number of pounds to be determined in the same manner as for a card showing zero percent excess. The maximum number of pounds shown on any excess marketing card shall be increased by the county committee if the committee determines that the quantity of tobacco available for marketing from the 1942 crop produced on the farm is greater than the number of pounds previously estimated by the committee to be available for marketing.

The extent to which marketings of tobacco from any farm having tobacco available for marketing which has been carried over from a prior marketing year are subject to penalty shall be the percentage determined as follows:

1. Determine the number of "carry-over acres" by dividing the number of pounds of tobacco carried over from the prior year by the normal yield for the farm for that year.
 2. Determine the number of "within quota carry-over acres" by multiplying the "carry-over acres" (1 above) by the "percent within quota" (i. e., 100 percent minus the percent excess) for the year in which the carry-over tobacco was produced.
 3. Determine the "total acres" of tobacco by adding the "carry-over acres" (1 above) and the acreage of tobacco harvested in the current year.
 4. Determine the excess acreage by subtracting from the "total acres" (3 above) the sum of the 1942 allotment and the "within quota carry-over acres" (2 above).
 5. Determine the percent excess to be shown on the marketing card by dividing the "total acres" into the excess acreage (4 above).
- d. Number of marketing cards and entries and signatures thereon. One or more marketing cards may be issued for any farm as approved by the county committee. All entries on each marketing card shall be made in accordance with the instructions for issuing the marketing card and the operator's agreement on each marketing card shall be signed by the farm operator or on his behalf by his authorized representative.

Sec. 6. Disposition of excess tobacco. The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by any of the following methods:

- a. By executing a "Tobacco Carry-over Agreement", (Tobacco 628) and delivering, either to the county committee prior to the issuance of the marketing card or to a field assistant at the auction warehouse out of the first proceeds from the marketing of tobacco from the farm, a certified check, cashier's check or post office money order, or by a check drawn by the warehouseman, payable to Commodity Credit Corporation in an amount equal to the estimated actual yield of tobacco from the excess acreage times 85 percent of the parity price of dark air-cured tobacco as of the beginning of the 1942-43 marketing year.
- b. By storage of the excess tobacco, the tobacco so stored to be representative of the entire 1942 crop produced on the farm, and posting of a bond or making of other arrangements approved by the county committee and the Chief of the Marketing Quota Section which will guarantee payment of the amount of penalty which will become due upon the marketing of excess tobacco.
- c. By rendering the excess tobacco unmerchantable, the tobacco so rendered unmerchantable to be representative of the entire crop of tobacco produced on the farm in 1942 and the act of rendering the tobacco unmerchantable to be performed only by the farm operator (or his representative) under the supervision of the county committee (or a person designated by the committee).
- d. By payment to the county office by certified check, cashier's check, or money order drawn payable to the Treasurer of the United States of an amount equal to 5 cents per pound times the estimated actual production of the excess acreage of tobacco harvested from the farm. Any additional amount of penalty due after the actual yield for the farm has been determined shall be paid by the operator not later than 20 days after receipt of notice of such additional penalty from the county office. This subsection d shall apply only in the event that the acreage harvested in excess of the allotment does not exceed the larger of two-tenths acre or 10 percent of the farm acreage allotment.

Sec. 7. Report on marketing card. The operator of each farm on which tobacco is produced in 1942 shall return to the county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets for the area in which the farm is located. Failure to return the marketing card to the county office within the time specified (after formal notification) shall constitute failure to give proof of disposition of tobacco marketed from the farm in the event that satisfactory proof of such disposition is not furnished otherwise.

Sec. 8. Additional reports by producers and identification of tobacco. In addition to any other reports which may be required under these regulations, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment

and even though no allotment was established for the farm) shall, upon written request by the Chairman of the State Committee and within ten days after the deposit of such request in the United States mails addressed to such person at his last known address, furnish the Secretary of Agriculture, by sending the same to the Chairman of the State Committee, a written report showing, as to the farm at the time of filing said report (a) the number of acres of tobacco harvested, (b) the total production of tobacco, (c) the amount of tobacco on hand and its location, and (d) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of marketing.

Sec. 9. Rights of producers in marketing card. Each producer having a share in the tobacco available for marketing from the farm shall be entitled to the use of the marketing card for marketing his proportionate share of the total amount of tobacco available for marketing from the farm; provided that the burden of any penalty with respect to carry-over tobacco shall be borne by those persons having an interest in such tobacco.

Sec. 10. Successors in interest. Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from the farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

Sec. 11. Person authorized to issue cards. The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. No marketing card shall be signed by the issuing officer until all other entries required to be made thereon have been made, except that the Operator's Agreement therein may be signed after the issuing officer has signed the card, but prior to the issuance of a memorandum of sale from the card. Only one person shall be designated as issuing officer but such person may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards; provided that each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

Sec. 12. Invalid cards. A marketing card shall be invalid under any of the following conditions:

- a. If it is not issued or delivered in the form and manner prescribed;
- b. If entries are not made thereon as required;
- c. If it is lost, destroyed, stolen, or becomes illegible;

- d. If any erasure has been made;
- e. If any alteration has been made and not properly initialed; or
- f. If the amount due Commodity Credit Corporation with respect to a "Tobacco Carry-over Agreement" is not paid prior to the issuance of any memorandum of sale.

In the event any marketing card becomes invalid (other than by loss, destruction, theft, omission, alteration, or incorrect entry which can be corrected by a field assistant) the farm operator (or the person having the card in his possession) shall return it to the county office at which it was issued.

If any marketing card is lost, destroyed, stolen, or altered, the person having knowledge of such loss, destruction, theft, or alteration shall notify the county office to that effect, and the county office shall immediately notify the Marketing Quota Section.

If any marketing card which was reported as lost, destroyed, stolen, or altered is later received by the county office, the county office shall immediately notify the Marketing Quota Section of the receipt of such card.

After receipt of notice of loss, destruction or theft of any marketing card the county office may issue a duplicate marketing card to replace the lost, destroyed, or stolen card in accordance with instructions issued pursuant to these regulations.

In the event any marketing card was improperly issued, has been altered, or becomes illegible, upon the return of the card to the county office a new marketing card shall be issued immediately, or as soon thereafter as the necessary information is available.

If any entry is not made on a marketing card as required (either through omission or incorrect entry) and the proper entry is made by a field assistant then such card shall become valid. If the field assistant is unable to make the proper entry, he shall return the card to the county office where it shall be retained until such entry is made, or a new marketing card is issued, as provided above.

Sec. 13. Additional cards and disposition of used cards.

Upon the return to the county office of the marketing card after all the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card, shall be issued for the farm. Any marketing card issued to replace another card shall have entered thereon the total sales as shown on the marketing card which is replaced.

Sec. 14. Report of probable misuse of marketing card. Any information which causes any field assistant, a member of any local committee, or an employee of the county office to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the State office and the Marketing Quota Section.

Sec. 15. No transfers. There shall be no transfer of marketing quotas (except as provided in Part I of these regulations) and the tobacco marketed under the marketing card issued for a farm shall consist only of tobacco produced on the farm.

MARKETING OF TOBACCO AND PENALTIES

Sec. 16. Memorandum of sale to identify every marketing. Each marketing of tobacco from a farm shall be identified by a memorandum of sale issued from the marketing card (MQ-656 Dark Air-cured or MQ-657 Dark Air-cured) for the farm but if a memorandum of sale cannot be obtained within four weeks after the date of the marketing of any tobacco at a warehouse sale, such marketing of tobacco shall be subject to penalty and the amount of penalty shall be shown on the memorandum of sale cleared without marketing card (Tobacco 618). The memorandum of sale shall be issued only by a field assistant, with the following exceptions:

1. A warehouseman, or his authorized representative, who has been authorized on form Tobacco 625, may issue a within quota memorandum of sale to identify a warehouse sale, if a field assistant is not available at the warehouse when the card is presented by the farmer and if no payment to Commodity Credit Corporation under a "Tobacco Carry-over Agreement" is due with respect to the tobacco to be covered by the memorandum. Each memorandum of sale issued by a warehouseman shall be presented promptly by him to the field assistant for verification with the warehouse records.
2. A dealer, or his authorized representative, operating a regular receiving point for tobacco who keeps records showing the information specified in subsection 26(e) and who has been authorized on Tobacco 625, may issue within quota memoranda of sale covering tobacco purchased by such dealer and delivered directly to such receiving point by the producer.
3. A representative of the county office may issue memoranda of sale covering sales of tobacco by the producer in small lots by mail order or directly to various individuals other than dealers.

The authorization to issue within quota memoranda of sale under paragraph 1 or 2 above may be withdrawn from any warehousemen or dealer upon written notice by the Chief of the Marketing Quota Section.

Each excess memorandum of sale, after issuance by a field assistant, shall be checked by the warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed, and the warehouseman or dealer shall be responsible for the correctness of such computations.

If the quantity of tobacco previously identified by memoranda of sale issued from any within quota marketing card is in excess of the number of pounds assigned to the card, the person issuing the memorandum shall require the farm operator to sign the "Operator's Certificate" on the back of the memorandum and if he is satisfied that such signature is the same as the signature of the farm operator on the marketing card he may issue the memorandum. If any person other than the operator presents the marketing card, the memorandum of sale shall not be issued unless the "Authorization" on the back of such memorandum has been properly executed and signed by the operator. The person who presents the marketing card may sign on behalf of the farm operator, provided that such person places his address immediately beneath his signature. Any person authorized to issue a memorandum of sale under either of the above described circumstances who has reason to believe that the tobacco to be covered by the memorandum was not produced on the farm for which the marketing card containing the memorandum was issued, may or may not issue the memorandum as he considers advisable, but in either event he shall immediately make a written report of the circumstances in the case to the Marketing Quota Section.

Sec. 17. Bill of Nonwarehouse Sale. Each marketing of farm tobacco, except a warehouse sale or a nonwarehouse sale of within quota tobacco to a dealer authorized to issue memoranda of sale under paragraph 2 of Section 16 shall be identified by a Bill of Nonwarehouse Sale (Tobacco 614) completely executed by the buyer and the farm operator, except for the entry of the serial number of the memorandum of sale. The post card copy (Tobacco 614a) shall be mailed by the farm operator not later than the day following the day on which executed. The original of each Bill of Nonwarehouse Sale covering any marketing shall be presented to a field assistant for issuance of a memorandum of sale (or a memorandum of sale cleared without marketing card) and for recording in the Dealer's Record Book in case of a purchase by a dealer other than a warehouseman. The original of each such Bill of Nonwarehouse Sale shall be forwarded with the applicable Dealer's Record (Tobacco 615).

Sec. 18. Marketings free of penalty. Any tobacco marketed from a farm which is identified by a valid memorandum of sale from the marketing card issued for the farm shall be free of penalty to the extent shown by the memorandum of sale.

Sec. 19. Marketings subject to penalty and collection of penalties.

- a. Farm tobacco. With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that proportion of each lot of tobacco which the tobacco available for marketing in excess of the farm quota (at the time of issuance of the marketing card) is of the total amount of tobacco available for marketing from the farm. The memorandum of sale issued to identify such marketing of tobacco shall show that portion of such marketing which is subject to penalty, and any portion of such marketing of tobacco which is not shown by the memorandum as being subject to penalty shall be free of penalty.
- b. Dealer's tobacco. Any marketing of tobacco by a dealer which such dealer represents to be a resale, but all or any part of which, when added to prior resales by such dealer as shown on the Dealer's Record, is in excess of the total amount of purchases as shown on such Dealer's Record shall be a marketing of tobacco subject to penalty unless and until the dealer furnishes proof acceptable to the Secretary showing that such tobacco is not subject to penalty. Any marketing of tobacco by a dealer which such dealer represents to be a resale of tobacco previously purchased by him but which, because of the difference in the price at which such tobacco is resold as compared with the price at which he had purchased the tobacco, cannot reasonably be regarded as tobacco previously purchased by him shall be taken to be a marketing of tobacco subject to penalty.
- c. Tobacco not identified by a valid memorandum. Any marketing of tobacco which is not identified by a valid memorandum of sale shall be subject to penalty.
- d. Liability in case of error on memorandum. The person liable for the payment of the penalty upon any marketing of tobacco shall not be relieved of such liability because of any error

Sec. 20. Persons to pay penalty. The person to pay the penalty due on any marketing of excess tobacco shall be one of the following as applicable:

- a. Warehouseman. If the tobacco is marketed by the producer through a warehouseman the penalty shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the producer.

- b. Dealer. If the tobacco is acquired from the producer by a dealer, the penalty shall be paid by the dealer who may deduct an amount equivalent to the penalty from the price paid to the producer.
- c. Agent. If the tobacco is marketed by the producer through an agent who is not a warehouseman, the penalty shall be paid by the agent, who may deduct an amount equivalent to the penalty from the price paid to the producer.
- d. Warehouseman and dealer on dealer's tobacco. Any penalty due upon tobacco subject to penalty under paragraph (b) of Section 19 shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the dealer, but the dealer shall not be relieved of responsibility for payment of such penalty.
- e. Producer marketing outside United States. If the tobacco is marketed by the producer directly to any person outside the United States, the penalty shall be paid by the producer.
- f. Producer on behalf of buyer in case of mail order or direct sales in small lots. If the tobacco is marketed in small lots by the producer by mail order sales or directly to various individuals other than dealers, the penalty may be paid by the producer of such tobacco on behalf of the various buyers. In such case the buyer of such tobacco shall be relieved of the penalty to the extent that it is paid by the producer.

Sec. 21. Rate of penalty. The penalty shall be five cents per pound upon the marketing of any tobacco in excess of the marketing quota for the farm on which the tobacco is produced and on the marketing of any other tobacco not identified under these regulations as being free of penalty.

Sec. 22. Penalty for false identification or failure to account for disposition of tobacco. If any producer falsely identifies or fails to account for disposition of any tobacco, an amount of tobacco equal to the normal yield of the number of acres harvested in 1942 in excess of the farm acreage allotment shall be deemed to have been marketed in excess of the marketing quota for the farm and the penalty in respect thereof shall be paid and remitted by the producer.

Sec. 23. Payment of penalty. Penalties upon the marketing of tobacco shall become due at the time of the marketing and shall be paid by remitting the amount thereof to the applicable Marketing Quota Office as shown in the Marketing Quota Instructions, Tobacco 622, not later than the end of the calendar week following the week in which the memorandum of sale was issued, or, in the event a memorandum is not

issued, not later than four weeks after the date upon which the tobacco was sold. A draft, money order, or check, payable to the order of the Treasurer of the United States may be used to pay any penalty, but any such draft, or check shall be received subject to payment at par.

Sec. 24. Application for return of penalty. Any producer of tobacco and any other person who bore the burden of the payment of any penalty collected may file an application for return of the amount of such penalty which is in excess of that amount equal to five cents per pound upon the number of pounds marketed in excess of the farm marketing quota. Any application for return of any penalty shall be filed on form Tobacco 624, "Application for Return of Penalty."

An application for the return of penalty filed by any producer of tobacco on a farm on which the tobacco available for marketing is in excess of the farm marketing quota shall not be approved unless (1) the marketing of tobacco from the farm has been completed and (2) disposition of all unmarketed excess tobacco has been made under the supervision of the county committee (or its representative) and has been approved by the county committee.

Return of penalty collected upon marketings of tobacco from any farm on which the tobacco available for marketing is in excess of the farm marketing quota shall be made only upon the basis of tobacco produced on the farm and, if the county committee has good cause to believe that any of the unmarketed excess tobacco as reported for the farm by the farm operator was not actually produced thereon, the application for such farm shall not be approved with respect to that tobacco which the committee has good cause to believe was not produced on the farm. The county committee shall approve on Application for Return of Penalty only for that number of pounds of unmarketed excess tobacco which the committee determines is representative of the entire amount of tobacco available for marketing from the farm in the 1942-43 marketing year, taking into account the value of the unmarketed excess tobacco (which is disposed of) as appraised by the county committee (or its representative) and the value of tobacco marketed from the farm.

RECORDS AND REPORTS

Sec. 25. Warehouseman's Records and Reports.

- a. Record of marketings. Each warehouseman shall keep such records as will enable him to furnish to the Secretary of Agriculture a report of the following information with respect to each sale or resale of tobacco made at his warehouse:

1. The name of the seller (and, in the case of a sale for a producer, the name of the operator of the farm on which the tobacco was produced);
2. The name of the purchaser;
3. The date of sale;
4. The number of pounds sold;
5. The sale price; and
6. The amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer (or a dealer).

All purchases and resales for the warehouse leaf account shall be so identified in the records and a separate account shall be maintained with respect to the amount of floor sweepings picked up and the disposition of such floor sweepings. The quantity of floor sweepings, including bundles and leaves picked up by the warehouse after each sale shall be reported in the space provided on the Auction Warehouse Report (Tobacco 616). Any warehouseman who grades tobacco for farmers shall maintain a separate account showing the approximate amount of grading house scrap obtained from the tobacco graded from each farm. In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.

- b. Identification of sale on check register. The serial number of the memorandum of sale issued to identify each marketing of tobacco from the farm or the number of the warehouse bill(s) covering each such marketing shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.
- c. Memorandum of sale record and bill of nonwarehouse sale record. A record in the form of a valid memorandum of sale (or a memorandum of sale cleared without marketing card) shall be obtained by every warehouseman to cover each marketing of tobacco from a farm through the warehouse, and if a warehouseman buys tobacco directly from a farmer (other than at a warehouse auction sale as defined in these regulations) such warehouseman shall obtain a valid memorandum of sale to cover each such purchase of tobacco, together with properly executed Bill of Nonwarehouse Sale (Tobacco 614). Any warehouseman who obtains possession of any grading house scrap in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such scrap tobacco from such farm.

- d. Suspended sale record. Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "suspended", write thereon the serial number of the suspended sale, and record the bills on the Register of Suspended Sales (Tobacco 612); provided that if a field assistant is not available, the warehouseman may stamp such bills "suspended" and deliver them to a field assistant as soon as one is available.
- e. Warehouse entries on dealers' records. Each warehouseman shall enter on such Dealer's Record (Tobacco 615) the total of purchases and resales made by such dealer during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1942 the entry on the Dealer's Record shall clearly show such fact.
- f. Daily report of warehouse business and report of penalties. Each warehouseman shall make reports on form Tobacco DAC 616, Auction Warehouse Report, Tobacco DAC 619, Register of Resale, and on form Tobacco 617, Report of Penalties, showing the information required on the respective reports. Form Tobacco DAC 616 and Tobacco DAC 619 shall be prepared for each sale day and all reports for the sale days occurring during any week shall be forwarded to the Marketing Quota Section not later than the end of the next following calendar week. Form Tobacco 617 shall be prepared for each week and the report for each week shall be forwarded, together with remittances of the penalties due, as shown thereon, to the Marketing Quota Section not later than the end of the next following calendar week.
- g. Summary of warehouse accounts. Each warehouseman shall assist field assistants to prepare summaries of the warehouse account by making available all records kept and reports made by the warehouse as required by these regulations.
- h. Additional records and reports. In addition to the records and reports provided above, each warehouseman shall keep such additional records and make such additional reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary in order to enforce these regulations.

Sec. 26. Dealer's records and reports. Each dealer, except as provided in Section 27 below, shall keep the records and make the reports as provided by this section.

- a. Report of dealer's name, address and registration number. Each dealer shall properly execute and the field assistant shall detach and forward to the Marketing Quota Section the page "Receipt for Dealer's Record" contained in form Tobacco 615, "Dealer's Record" which is issued to the dealer.
- b. Record and report of purchases and resales. Each dealer shall keep a record and make reports on form Tobacco 615, "Dealer's Record", showing all purchases and resales of tobacco made by the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1942, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1942.
- c. Report of penalties. Each dealer shall make a report on form Tobacco 617 showing the information with respect to all purchases subject to penalty made by him during each calendar week. The penalties listed on each such report shall be renitted with the report.
- d. Memorandum of sale record and bill of nonwarehouse sale record. For each lot of tobacco purchased from a farmer each dealer shall obtain a record in the form of a valid memorandum of sale issued by a field assistant or by an authorized representative of a scrap tobacco receiving point in the case of scrap tobacco sold and delivered to such receiving point. No memorandum of sale shall be issued unless:
 1. The farm operator or his authorized agent has signed the "Authorization" on the back of the memorandum; and
 2. Unless a properly executed Bill of Nonwarehouse Sale (Tobacco 614) is presented covering such sale.
- e. Additional records. Each dealer shall keep such records, in addition to the foregoing, as may be necessary to enable him to furnish the following information with respect to each lot of tobacco purchased or sold by him:
 1. The name of the seller (and in the case of a purchase from a producer, the name of the operator of the farm on which the tobacco was produced);

2. The name of the purchaser;
3. The date of the transaction;
4. The number of pounds and the gross sale price, and
5. In the event of resale of tobacco bought by him and carried over from a crop produced prior to 1942, the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the Marketing Quota Section not later than the end of the week following the calendar week covered by the reports.

Sec. 27. Dealers exempt from regular records and reports.
Any dealer who does not purchase or otherwise acquire tobacco except at a warehouse sale and who does not resell, in the form in which tobacco ordinarily is sold by farmers, more than ten percent of the tobacco purchased by him, shall not be subject to the provisions of Section 26 of these regulations; but each such dealer shall make such reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary to enforce these regulations.

Sec. 28. Records and reports of truckers, redryers, etc.
Every person engaged in the business of trucking tobacco for producers shall keep such records as will enable him to furnish the Secretary of Agriculture a report with respect to each lot of tobacco received by him showing the following information:

1. The name and address of the farm operator;
2. The date of the receipt of the tobacco;
3. The number of pounds received; and
4. The place to which it was delivered.

Every person engaged in the business of redrying, prizing, or stemming tobacco for producers shall keep such records as will enable him to furnish the Secretary of Agriculture a report showing the information provided above for truckers and in addition the purpose for which the tobacco was received, the amount of advance made by him on the tobacco and the disposition of the tobacco. Each such person shall make such reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary to enforce these regulations.

Sec. 29. Separate records and reports from persons engaged in more than one business. Any person who is required to keep any record or make any report as a warehouseman, dealer, processor, or as a person engaged in the business of redrying, prizing, or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged, to the same extent for each such business as if he were engaged in no other business, except that a warehouseman shall not be required to keep a record and make reports on form Tobacco 615, "Dealer's Record", if the transactions which would be recorded and reported on such forms are recorded on the records kept by the warehouse in its regular course of business and reported as required on form Tobacco DAC 616 and Tobacco DAC 619.

Sec. 30. Failure to keep record or make report. Any warehouseman, processor, or common carrier of tobacco, or person engaged in the business of purchasing tobacco from producers, or person engaged in the business of redrying, prizing or stemming tobacco for producers, who fails to make any report or keep any record as required under these regulations, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of \$100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation; Provided, that such fine shall not exceed \$5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or dealer shall be given by the Chief of the Marketing Quota Section.

Sec. 31. Examination of records and reports. For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, any warehouseman, dealer, processor, common carrier or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available for examination, upon written request by the Chief of the Marketing Quota Section such books, papers, records, accounts correspondence, contracts, documents and memoranda as he has reason to believe are relevant and are within the control of such person.

Sec. 32. Length of time records and reports to be kept.
Records required to be kept and copies of the reports required to be made by any person under these regulations for the 1942-43 marketing year shall be kept by him until September 30, 1944, and for such longer period of time as may be requested in writing by the Chief of the Marketing Quota Section.

Sec. 33. Information confidential. All data reported to or acquired by the Secretary of Agriculture pursuant to the provisions of these regulations shall be kept confidential by all officers and employees of the Department of Agriculture and only such data so reported or acquired as the Secretary of Agriculture deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.

(S E A L)

Done at Washington, D. C.
this 28th day of September 1942.
Witness my hand and the seal of
the Department of Agriculture.

/s/ Grover B. Hill

Acting Secretary of Agriculture

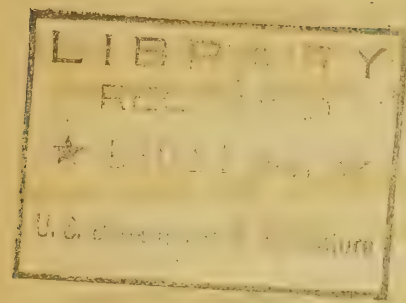
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Reserve

Tobacco 603 (Fire cured)
Part I

Issued November 7, 1941

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION



Marketing Quota Regulations
Fire-cured Tobacco, 1942-43 Marketing Year

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of Acreage Allotments for 1942

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GENERAL

Section 1. Definitions. As used in this procedure and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them, unless the context or subject-matter otherwise requires.

- (a) FIRE-CURED TOBACCO ALLOTMENT PROCEDURE FOR 1941 means this Form Tobacco 603 (Fire-cured) Part I.
- (b) LOCAL COMMITTEE means the county and community committees utilized under the Act. "County committee" or "community committee" shall have corresponding meanings in the connection in which they are used.
- (c) NEW FARM means a farm on which fire-cured tobacco was not produced in any of the five years 1937 to 1941, but on which fire-cured tobacco will be produced in 1942.
- (d) OLD FARM means a farm on which fire-cured tobacco was produced in one or more of the five years 1937 to 1941, and on which fire-cured tobacco will be produced in 1942.
- (e) OPERATOR means the person who, as owner, landlord, or tenant, is in charge of the supervision and the conduct of the farming operations on the entire farm.
- (f) STATE COMMITTEE means the group of persons so designated within any State to assist in the administration in the State of the Act.
- (g) FIRE-CURED TOBACCO means tobacco classified in Service and Regulatory Announcement Numbered 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as types 21, 22, 23 and 24, collectively known as fire-cured tobacco.

Sec. 2. Extent of calculations and rule of fractions.

All acreages except the preliminary farm acreage allotment and the final farm acreage allotment for 1942 shall be calculated to the nearest one-hundredth of an acre. The preliminary and final 1942 farm acreage allotment shall be calculated to the nearest one-tenth of an acre and fractions of fifty-one thousandths of an acre or more shall be rounded upward and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would become 1.1 and 1.050 would become 1.0.

Sec. 3. Instructions and forms. The Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture shall cause to be prepared and issued with his approval such instructions and such forms as may be necessary or expedient for carrying out this procedure.

Sec. 4. Applicability of procedure. This Tobacco 603 (Fire-cured) Part I shall relate to, and be effective for, the establishment of farm acreage allotments for fire-cured tobacco for the year 1942.

DETERMINATION OF ACREAGE ALLOTMENTS AND YIELDS FOR OLD FARMS

Sec. 5. 1942 acreage allotments for old farms. The 1942 fire-cured tobacco acreage allotment for an old farm shall be the preliminary 1942 fire-cured tobacco acreage allotment for the farm adjusted in accordance with section 7, provided, however, that in case farms are retired from agricultural production either (1) because of their purchase or lease by a state or federal agency for any purpose or (2) because of acquisition for use in connection with the National Defense Program, any tobacco acreage allotted to such farms in 1942 shall be placed in a State pool.

Such acreage shall be available for allotment by local committees. A farm shall be eligible for a 1942 allotment from the State pool provided that the 1942 operator of such farm was engaged in the production of tobacco in 1941 on a retired farm (or the county committee determines that he would have engaged in the production of tobacco in 1941 except for the retirement of such farm) for which a 1941 tobacco acreage allotment was established. The acreage allotment for such farm shall be that acreage which the county committee determines to be fair and reasonable for the farm taking into consideration the tobacco producing experience of the farm operator; land, labor and equipment available for the production of tobacco; crop rotation practices; the soil and other physical factors affecting the production of tobacco; and allotments determined for other old tobacco farms in the new community which are similar with respect to such factors. The acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the acreage allotment for the retired farm unless a larger allotment has been previously established for the newly acquired farm in which case the allotment for such farm shall be that acreage previously determined.

Sec. 6. Determination of preliminary 1942 acreage allotment for old farm. The preliminary 1942 fire-cured tobacco acreage allotment for an old farm shall be that percent of the 1942 normal acreage for the farm which the 1942 State acreage

allotment is of the 1942 normal acreage of tobacco for all old farms in the State: Provided, that if the acreage allotment so determined for any farm (except a farm operated, controlled, or directed by a person who also operates, controls or directs another farm on which fire-cured tobacco is produced) is less than that acreage which with the normal yield would produce 2,400 pounds of tobacco, such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) that acreage, which when multiplied by the normal yield would produce 2,400 pounds of tobacco.

- A. Determination of 1942 normal acreage for old fire-cured tobacco farms. The 1942 normal acreage for an old farm shall be the 1941 fire-cured tobacco acreage allotment plus diversion, adjusted as provided below.
- B. Adjustment of 1942 normal acreage. The 1942 normal acreage for an old farm, determined as provided above, shall be adjusted so as to take into account any changes for the farm for 1942 in respect to the past acreage of tobacco (harvested and diverted acreage in the five years 1937-41 as compared with the five years 1936-40) making due allowance for the effect of drought, flood, hail, other abnormal weather conditions, planted and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco; Provided, that in determining the 1941 acreage of tobacco any amount by which the 1941 harvested acreage is less than the 1941 farm acreage allotment shall be considered as diverted acreage.
- C. Determination of 1941 acreage allotment plus diversion. The 1941 allotment plus diversion for any farm shall be computed as follows:

<u>Size of 1940 Acreage Allotment</u>	<u>Size of 1941 Acreage Allotment</u>	<u>Fire-cured Tobacco Allotment Plus Diversion</u>
3.5 acres or less	2.6 acres or less	194% of allotment
3.6 acres	2.7 acres	196% " "
3.7 acres	2.8 acres	211% " "
3.8 acres	2.8 acres	225% " "
3.9 acres	2.9 acres or more	233% " "

The above method of determining preliminary 1942 fire-cured tobacco acreage allotments will result in a preliminary 1942 acreage allotment equal to the 1941 acreage allotment for a farm except for those farms for which the normal acreage is adjusted as provided in paragraph B above; therefore, for all other

farms the committee may, in lieu thereof, establish the preliminary 1942 allotment at the same acreage as the 1941 acreage allotment.

Sec. 7. Adjustment of preliminary 1942 acreage allotment.

An acreage not in excess of one-half of one percent of the State acreage allotment for fire-cured tobacco shall be apportioned to each county in the State on the basis of the percentage the total 1941 fire-cured tobacco acreage allotment in each county is of the State acreage allotment for fire-cured tobacco, adjusted between counties as recommended by the State committee and approved by the Regional Director in such manner as will be fair and equitable taking into consideration the factors affecting the production of tobacco in the different counties in the State. Such acreage shall be used by the local committees as hereinafter provided in this section, if the committees find that such action will establish allotments which are fair and equitable taking into consideration the past acreage of fire-cured tobacco grown on the farm; land, labor and equipment available for the production of fire-cured tobacco; crop rotation practices; and the adaptability of the soil to the growing of fire-cured tobacco. The acreage available in each county may be used for establishing the 1942 fire-cured tobacco acreage allotments and for adjusting upward preliminary 1942 fire-cured tobacco acreage allotments in the following order and under the following conditions:

- A. The acreage by which 1942 allotments established as provided in subsection B of Sec. 6 hereof exceeds the 1941 acreage allotments for such farms shall be deducted from the acreage apportioned to the county as provided above.
- B. 1942 fire-cured tobacco acreage allotments may be established for farms which grew fire-cured tobacco in 1941 for which no fire-cured tobacco acreage allotment was established in such year. Any such allotment shall not exceed the larger of five-tenths acre or 10 percent of the 1941 harvested acreage of fire-cured tobacco.
- C. The preliminary 1942 fire-cured tobacco acreage allotment for any farm may be adjusted upward. Such adjustment shall not exceed the larger of 10 percent of the 1942 preliminary acreage allotment or one-half acre.

Any allotment established or adjusted as provided above shall be subject to the approval of the State committee.

Sec. 8. Reduction of acreage allotment for violations of 1941 marketing quota regulations. If tobacco was sold or was permitted to be sold on a marketing card for any farm which was produced on a different farm the acreage allotment for each farm shall be reduced by the amount of tobacco so marketed; provided

that such reduction shall not be made if the Secretary, through the local committee, determines that no person connected with such farm caused, aided, or acquiesced in such marketing. If proof of the disposition of any amount of tobacco produced on a farm is not furnished, as required by the Secretary, the acreage allotment shall be reduced by such amount of tobacco.

The amount of tobacco involved will be converted to an acreage basis by dividing such amount of tobacco by the 1941 actual yield for the farm.

Sec. 9. Reconstituted farms. (1) If land operated as a single farm in 1941 has been subdivided for 1942 into two or more tracts, the 1942 fire-cured tobacco acreage allotment established for the farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of fire-cured tobacco on each such tract in such year bore to the total number of acres of cropland suitable for the production of fire-cured tobacco on the entire farm in such year unless otherwise recommended by the county committee and approved by the State committee.

(2) If two or more farms operated separately in 1941 are combined into a single farm for 1942, the 1942 fire-cured tobacco allotment shall be the sum of the 1942 fire-cured tobacco allotment for each of the farms composing the combination.

Sec. 10. Determination of normal yields. The normal yield for any farm shall be the average of the yields obtained on the farm during the years 1936-40, adjusted by the local committee so as more accurately to reflect the normal yield on the farm represented by the soil and other physical factors affecting the production of fire-cured tobacco, by taking into consideration yields obtained on other farms in the locality which are similar with respect to such factors. The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county in 1941 unless an adjustment for abnormal conditions is made by the Secretary upon recommendation of the State committee.

DETERMINATION OF ACREAGE ALLOTMENTS AND YIELDS FOR NEW FARMS

Sec. 11. Determination of fire-cured tobacco acreage allotments for new farms. The fire-cured tobacco acreage allotment for a new farm for 1942 shall be that acreage which the local committee determines is fair and reasonable for the farm taking into consideration each of the following factors: The past fire-cured tobacco experience of the farm operator; the acreage of cropland in the farm suitable for fire-cured tobacco production; the acreage capacity of barns which are located on the farm and which are in usable condition and available for the

curing of fire-cured tobacco; the customary crop rotation practices and the adaptability of the soil to the growing of fire-cured tobacco; provided, that the acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the smallest of (1) one-fifth of the past acreage of fire-cured tobacco grown by the farm operator in the years 1937-1941; (2) 75 percent of the average fire-cured tobacco acreage allotment for old farms in the county, or (3) one acre.

Notwithstanding any other provisions of this section a fire-cured tobacco acreage allotment shall not be established for any new farm unless the following conditions have been met:

- A. The farm operator shall have had two years or more experience in growing fire-cured tobacco as a share-cropper, tenant, or as a farm operator during the past five years;
- B. The farm operator shall be living on the farm and largely dependent on this farm for his livelihood;
- C. The farm covered by the application shall be the only farm owned or operated by the farm operator on which tobacco of any kind is produced;
- D. There is a fire-cured tobacco curing barn in condition for use on the farm; and
- E. No kind of tobacco other than fire-cured tobacco will be grown on the farm in 1942.

The fire-cured tobacco acreage allotments determined as provided in this section shall be subject to such adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new fire-cured tobacco farms.

The fire-cured tobacco acreage available for establishing allotments for farms on which no fire-cured tobacco was grown during the past five years shall be one-tenth of one percent of the national allotment for fire-cured tobacco.

Sec. 12. Time for filing application. In order to obtain an allotment for a new fire-cured tobacco farm in 1942, the operator of the farm shall file an application therefor on Tobacco 608 prior to February 1, 1942.

Sec. 13. Determination of normal yields. The normal yield for a new farm shall be that yield per acre which the local committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of fire-cured tobacco are similar.

BY VIRTUE OF THE AUTHORITY vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938), as amended, he does hereby make, prescribe, publish and give public notice of the foregoing Part I of the Marketing Quota Regulations for Fire-cured Tobacco for the 1942-43 Marketing Year, consisting of procedure for determination of farm acreage allotments, to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

Done at Washington, D. C.
this 7th day of November 1941.
Witness my hand and the seal of
the Department of Agriculture.

(SEAL)

/s/ Claude R. Wickard
Secretary of Agriculture

United States Department of Agriculture

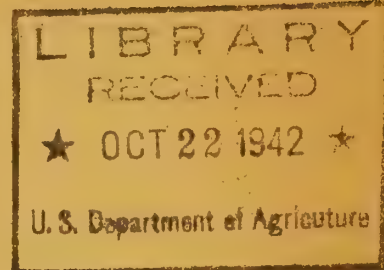
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Reserve

Marketing Quota Regulations,
Fire-cured Tobacco - 1942-43 Market-
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Part II

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PURSUANT TO THE AUTHORITY vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, public notice is hereby given of Part II of the Marketing Quota Regulations, Fire-cured Tobacco - 1942-43 Marketing Year (Tobacco 603 Fire-cured, as issued by the Secretary of Agriculture on November 7, 1941), which regulations shall be in force and effect until rescinded or suspended or amended or superseded by regulations hereafter made under said Act.

Authority: Sections 1 to 33, inclusive, are issued under authority contained in 52 Stat. 47, 48, 65, 66, 202; 53 Stat. 1261, 1262; 54 Stat. 393, 728; 55 Stat. 88; 7 U. S. C. 1940 ed. 1301 et seq.

GENERAL

Section 1 Definitions. As used in these regulations and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(1) Act means the Agricultural Adjustment Act of 1938 and any amendments thereto.

(2) Committee means a committee within a county or community established under the Soil Conservation and Domestic Allotment Act. "County Committee", "Local Committee", or "Community Committee" shall have corresponding meanings in the connection in which they are used.

(3) County office means the office of the County Agricultural Conservation Association Committee or the county or local committees or employees of such committee according to the sense in which such term is used.

(4) Dealer means a person who engages to whatever extent, in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

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(5) Farm means any tract or tracts of land which are considered as a farm under the provisions of the 1942 Agricultural Conservation Program.

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(6) Field Assistant means an employee of the Agricultural Adjustment Agency, United States Department of Agriculture, whose duties involve primarily the preparation and handling of suction warehouse and dealer records and reports as they relate to tobacco marketing quotas.

(7) Floor sweepings means all tobacco which is dropped on the warehouse floor in the course of the warehouse operations and is picked up by the warehouseman. Any tobacco accumulated in the course of the grading of tobacco for farmers shall not be included as floor sweepings.

(8) Market means the first disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter or exchange, or by gift inter vivos. "Marketing" and "Marketed" shall have corresponding meanings to the term "market."

(9) Marketing Quota Section means the Marketing Quota Section, East Central Division, Agricultural Adjustment Agency, United States Department of Agriculture, Washington, D. C.

(10) Nonwarehouse sale means any marketing of tobacco other than a warehouse sale.

(11) Operator means the person who is in charge of the supervision and the conduct of the farming operations on the entire farm.

(12) Person means an individual, partnership, association, corporation, estate, trust, or any agency of a State or of the Federal Government.

The term "person" shall include two or more persons having a joint or common interest.

(13) Pound means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight. The weight of redried or prized tobacco shall be increased so as to correspond with the original weight of such tobacco prior to redrying.

(14) Producer means a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm, or in the proceeds of the marketing, under the provisions of his agreement relating to the production of tobacco.

(15) Resale means the disposition by sale, barter, or exchange of tobacco which has been marketed previously.

(16) Sale day means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(17) Secretary of Agriculture means the Secretary or Acting Secretary of Agriculture of the United States.

(18) State committee or State office means the group of persons comprising the State Agricultural Conservation Committee appointed by the Secretary of Agriculture to assist within any State in the administration of the Soil Conservation and Domestic Allotment Act or the office of such persons.

(19) Suspended sale means any marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the particular sale day on which such marketing occurred.

(20) Tobacco means fire-cured tobacco classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as types 21, 22, 23 and 24, and collectively known as fire-cured tobacco.

(21) Tobacco available for marketing means all tobacco produced on a farm in the calendar year 1942 (and any tobacco produced on the farm prior to the calendar year 1942 and carried over to the 1942-43 marketing year) which is not disposed of by a "Tobacco Carry-over Agreement", by use on the farm, or by storage prior to the issuance of a marketing card for the farm.

(22) Trucker means any person who engages in the business of trucking tobacco to market and selling it for producers regardless of whether the tobacco is acquired from producers by the trucker.

(23) Warehouseman means a person engaged in the business of holding sales of tobacco at public auction at a warehouse during the tobacco marketing season.

(24) Warehouse sale means a marketing by sale at auction through a warehouse in the regular course of business.

Sec. 2 Instructions and forms. The Administrator of the Agricultural Conservation and Adjustment Administration shall cause to be prepared and issued such instructions and such forms as may be deemed necessary or expedient for carrying out these regulations.

Sec. 3 Tobacco subject to marketing quotas. Any tobacco marketed during the period October 1, 1942, to September 30, 1943, inclusive, and any tobacco produced in the calendar year 1942 and marketed prior to October 1, 1942, shall be subject to the marketing quotas for the 1942-43 marketing year.

FARM MARKETING QUOTAS

Sec. 4 Amount of farm marketing quota. The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with Part I of the "Marketing Quota Regulations - Fire-cured Tobacco - 1942-43 Marketing Year" (Tobacco 603 Part I). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1942 times the farm acreage allotment. The excess tobacco on any farm shall be that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1942 times the number of acres harvested in excess of the farm acreage allotment.

Sec. 5 Issuance of marketing card. A marketing card shall be issued for every farm having tobacco available for marketing. The card shall be issued after information required for its preparation (including measurements of the harvested acreage of tobacco and an estimate of the actual production of tobacco) has been furnished to or obtained by the county office. If the farm operator refuses to furnish or prevents the county office from obtaining such information, the card shall show that all of the tobacco available for marketing from the farm is subject to penalty.

a. Within Quota Marketing Card (MQ-656 Fire-cured). A "Within Quota Marketing Card" authorizing the marketing without penalty of the actual production of tobacco on the farm in the 1942 calendar year and any tobacco carried over from a prior marketing year shall be issued for a farm unless an excess marketing card is required to be issued for the farm in accordance with paragraph b of this section.

b. Excess Marketing Card (MQ-657 Fire-cured). An "Excess Marketing Card" showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued for a farm under the following conditions:

- (1) If the harvested acreage of tobacco in 1942 is in excess of the farm acreage allotment and such excess tobacco is not disposed of in accordance with Section 6 hereof, or if the operator of the farm also operates another farm on which the harvested acreage of tobacco in 1942 exceeds the farm acreage allotment and such excess is not disposed of in accordance with Section 6 hereof.

- (2) If a within quota marketing card could be issued for the farm but the county committee determines that a zero percent excess marketing card is necessary to protect the interest of the government and to insure proper identification of and accounting for the disposition of tobacco produced on the farm and the proper use of the marketing card issued for the farm.
- (3) If there is tobacco available for marketing from the farm but no tobacco acreage allotment was established and such tobacco is not disposed of as provided in Section 6 hereof.
- (4) If information required for preparation of the marketing card is not furnished or the county office is prevented from obtaining the necessary information.
- (5) If there is tobacco available for marketing from the farm carried over from a prior marketing year and the harvested acreage in 1942 is not less than the 1942 acreage allotment by an amount equivalent to the acreage of carry-over excess determined as provided in Section 5, c. hereof.
- (6) If a farm operated by a publicly owned experiment station produces tobacco for other than experimental purposes and such tobacco is not disposed of as provided in Section 6 hereof.

c. Extent to which marketings from a farm are subject to penalty. The extent to which marketings of tobacco from any farm having no carry-over tobacco are subject to penalty shall be that percentage of the tobacco available for marketing from the farm which the acreage of tobacco harvested in excess of the farm acreage allotment for the farm and not disposed of as provided in Section 6 of these regulations, is of the acreage of tobacco harvested from the farm. Each marketing card showing a percentage excess of zero also shall show the maximum number of pounds of tobacco which may be marketed thereunder, which shall be the quantity of tobacco estimated by the county committee to be available for marketing from the 1942 crop produced on the farm. For any excess marketing card which shows a percentage of excess of more than zero, the county committee, if it has reason to believe it to be necessary in order to prevent marketing thereunder of tobacco produced on another farm, also shall have shown on the card the maximum number of pounds which may be marketed thereunder, such number of pounds to be determined in the same manner as for a card showing zero percent excess. The maximum number of pounds shown on any excess marketing card shall be increased by the county committee if the committee determines that the quantity of tobacco available for marketing from the 1942 crop produced on the farm is greater than the number of pounds previously estimated by the committee to be available for marketing.

The extent to which marketings of tobacco from any farm having tobacco available for marketing which has been carried over from a prior marketing year are subject to penalty shall be the percentage determined as follows:

1. Determine the number of "carry-over acres" by dividing the number of pounds of tobacco carried over from the prior year by

the normal yield for the farm for that year.

2. Determine the number of "within quota carry-over acres" by multiplying the "carry-over acres" (1 above) by the "percent within quota" i. e., 100 percent minus the percent excess) for the year in which the carry-over tobacco was produced.
3. Determine the "total acres" of tobacco by adding the "carry-over acres" (1 above) and the acreage of tobacco harvested in the current year.
4. Determine the excess acreage by subtracting from the "total acres" (3 above) the sum of the 1942 allotment and the "within quota carry-over acres" (2 above).
5. Determine the percent excess to be shown on the marketing card by dividing the "total acres" into the excess acreage (4 above).

d. Number of marketing cards and entries and signatures thereon. One or more marketing cards may be issued for any farm as approved by the county committee. All entries on each marketing card shall be made in accordance with the instructions for issuing the marketing card and the operator's agreement on each marketing card shall be signed by the farm operator or on his behalf by his authorized representative.

Sec. 6 Disposition of excess tobacco. The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by any of the following methods:

- a. By executing a "Tobacco Carry-over Agreement", (Tobacco 628) and delivering, either to the county committee prior to the issuance of the marketing card or to a field assistant at the auction warehouse out of the first proceeds from the marketing of tobacco from the farm, a certified check, cashier's check or post office money order, or by a check drawn by the warehouseman, payable to Commodity Credit Corporation in an amount equal to the estimated actual yield of tobacco from the excess acreage times 85 percent of the parity price of fire-cured tobacco as of the beginning of the 1942-43 marketing year.
- b. By storage of the excess tobacco, the tobacco so stored to be representative of the entire 1942 crop produced on the farm, and posting of a bond or making of other arrangements approved by the county committee and the Chief of the Marketing Quota Section which will guarantee payment of the amount of penalty which will become due upon the marketing of excess tobacco.
- c. By rendering the excess tobacco unmerchantable, the tobacco so rendered unmerchantable to be representative of the entire crop of tobacco produced on the farm in 1942 and the act of rendering the tobacco unmerchantable to be performed only by the farm operator (or his representative) under the supervision of the county committee (or a person designated by the committee).

- d. By payment to the county office by certified check, cashier's check, or money order drawn payable to the Treasurer of the United States of an amount equal to 5 cents per pound times the estimated actual production of the excess acreage of tobacco harvested from the farm. Any additional amount of penalty due after the actual yield for the farm has been determined shall be paid by the operator not later than 20 days after receipt of notice of such additional penalty from the county office. This subsection d shall apply only in the event that the acreage harvested in excess of the allotment does not exceed the larger of two-tenths acre or 10 percent of the farm acreage allotment.

Sec. 7 Report on marketing card. The operator of each farm on which tobacco is produced in 1942 shall return to the county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets for the area in which the farm is located. Failure to return the marketing card to the county office within the time specified (after formal notification) shall constitute failure to give proof of disposition of tobacco marketed from the farm in the event that satisfactory proof of such disposition is not furnished otherwise.

Sec. 8 Additional reports by producers and identification of tobacco. In addition to any other reports which may be required under these regulations, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment and even though no allotment was established for the farm) shall, upon written request by the chairman of the State Committee and within ten days after the deposit of such request in the United States mails addressed to such person at his last known address, furnish the Secretary of Agriculture, by sending the same to the Chairman of the State Committee, a written report showing, as to the farm at the time of filing said report (a) the number of acres of tobacco harvested, (b) the total production of tobacco, (c) the amount of tobacco on hand and its location, and (d) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of marketing.

Sec. 9 Rights of producers in marketing card. Each producer having a share in the tobacco available for marketing from the farm shall be entitled to the use of the marketing card for marketing his proportionate share of the total amount of tobacco available for marketing from the farm; provided that the burden of any penalty with respect to carry-over tobacco shall be borne by those persons having an interest in such tobacco.

Sec. 10 Successors in interest. Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from the farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

Sec. 11 Person authorized to issue cards. The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. No marketing card shall be signed by the issuing officer

until all other entries required to be made thereon have been made, except that the Operator's Agreement therein may be signed after the issuing officer has signed the card, but prior to the issuance of a memorandum of sale from the card. Only one person shall be designated as issuing officer but such person may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards; provided that each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

Sec. 12 Invalid cards. A marketing card shall be invalid under any of the following conditions:

- a. If it is not issued or delivered in the form and manner prescribed;
- b. If entries are not made thereon as required;
- c. If it is lost, destroyed, stolen, or becomes illegible;
- d. If any erasure has been made;
- e. If any alteration has been made and not properly initialed; or
- f. If the amount due Commodity Credit Corporation with respect to a "Tobacco Carry-over Agreement" is not paid prior to the issuance of any memorandum of sale.

In the event any marketing card becomes invalid (other than by loss, destruction, theft, omission, alteration, or incorrect entry which can be corrected by a field assistant) the farm operator (or the person having the card in his possession) shall return it to the county office at which it was issued.

If any marketing card is lost, destroyed, stolen, or altered, the person having knowledge of such loss, destruction, theft, or alteration shall notify the county office to that effect, and the county office shall immediately notify the Marketing Quota Section.

If any marketing card which was reported as lost, destroyed, stolen, or altered is later received by the county office, the county office shall immediately notify the Marketing Quota Section of the receipt of such card.

After receipt of notice of loss, destruction or theft of any marketing card the county office may issue a duplicate marketing card to replace the lost, destroyed, or stolen card in accordance with instructions issued pursuant to these regulations.

In the event any marketing card was improperly issued, has been altered, or becomes illegible, upon the return of the card to the county office a new marketing card shall be issued immediately, or as soon thereafter as the necessary information is available.

If any entry is not made on a marketing card as required (either through omission or incorrect entry) and the proper entry is made by a field

assistant then such card shall become valid. If the field assistant is unable to make the proper entry, he shall return the card to the county office where it shall be retained until such entry is made, or a new marketing card is issued, as provided above.

Sec. 13 Additional cards and disposition of used cards. Upon the return to the county office of the marketing card after all the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. Any marketing card issued to replace another card shall have entered thereon the total sales as shown on the marketing card which is replaced.

Sec. 14 Report of probable misuse of marketing card. Any information which causes any field assistant, a member of any local committee, or an employee of the county office to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the State office and the Marketing Quota Section.

Sec. 15 No transfers. There shall be no transfer of marketing quotas (except as provided in Part I of these regulations) and the tobacco marketed under the marketing card shall consist only of tobacco produced on the farm.

MARKETING OF TOBACCO AND PENALTIES

Sec. 16 Memorandum of sale to identify every marketing. Each marketing of tobacco from a farm shall be identified by a memorandum of sale issued from the marketing card (MQ-656 Fire-cured or MQ-657 Fire-cured) for the farm but if a memorandum of sale cannot be obtained within four weeks after the date of the marketing of any tobacco at a warehouse sale, such marketing of tobacco shall be subject to penalty and the amount of penalty shall be shown on the memorandum of sale cleared without marketing card (Tobacco 618). The memorandum of sale shall be issued only by a field assistant, with the following exceptions:

1. A warehouseman, or his authorized representative, who has been authorized on form Tobacco 625, may issue a within quota memorandum of sale to identify a warehouse sale, if a field assistant is not available at the warehouse when the card is presented by the farmer and if no payment to Commodity Credit Corporation under a "Tobacco Carry-over Agreement" is due with respect to the tobacco to be covered by the memorandum. Each memorandum of sale issued by a warehouseman shall be presented promptly by him to the field assistant for verification with the warehouse records.
2. A dealer, or his authorized representative, operating a regular receiving point for tobacco who keeps records showing the information specified in subsection 26 (c) and who has been authorized on Tobacco 625, may issue within quota memoranda of sale covering tobacco purchased by such dealer and delivered directly to such receiving point by the producer.

3. A representative of the county office may issue memoranda of sale covering sales of tobacco by the producer in small lots by mail order or directly to various individuals other than dealers.

The authorization to issue within quota memoranda of sale under paragraph 1 or 2 above may be withdrawn from any warehouseman or dealer upon written notice by the Chief of the Marketing Quota Section.

Each excess memorandum of sale, after issuance by a field assistant, shall be checked by the warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed, and the warehouseman or dealer shall be responsible for the correctness of such computations.

If the quantity of tobacco previously identified by memoranda of sale issued from any within quota marketing card is in excess of the number of pounds assigned to the card, the person issuing the memorandum shall require the farm operator to sign the "Operator's Certificate" on the back of the memorandum and if he is satisfied that such signature is the same as the signature of the farm operator on the marketing card, he may issue the memorandum. If any person other than the operator presents the marketing card, the memorandum of sale shall not be issued unless the "Authorization" on the back of such memorandum has been properly executed and signed by the operator. The person who presents the marketing card may sign on behalf of the farm operator, provided that such person places his address immediately beneath his signature. Any person authorized to issue a memorandum of sale under either of the above described circumstances who has reason to believe that the tobacco to be covered by the memorandum was not produced on the farm for which the marketing card containing the memorandum was issued, may or may not issue the memorandum as he considers advisable, but in either event he shall immediately make a written report of the circumstances in the case to the Marketing Quota Section.

Sec. 17 Bill of Nonwarehouse Sale. Each marketing of farm tobacco, except a warehouse sale or a nonwarehouse sale of within quota tobacco to a dealer authorized to issue memoranda of sale under paragraph 2 of Section 16 shall be identified by a Bill of Nonwarehouse Sale (Tobacco 614) completely executed by the buyer and the farm operator, except for the entry of the serial number of the memorandum of sale. The post card copy (Tobacco 614a) shall be mailed by the farm operator not later than the day following the day on which executed. The original of each Bill of Nonwarehouse Sale covering ^{any} marketing shall be presented to a field assistant for issuance of a memorandum of sale (or a memorandum of sale cleared without marketing card) and for recording in the Dealer's Record Book in case of a purchase by a dealer other than a warehouseman. The original of each such Bill of Nonwarehouse Sale shall be forwarded with the applicable Dealer's Record (Tobacco 615).

Sec. 18 Marketings free of penalty. Any tobacco marketed from a farm which is identified by a valid memorandum of sale from the marketing card issued for the farm shall be free of penalty to the extent shown by the memorandum of sale.

Sec. 19 Marketings subject to penalty and collection of penalties.

- a. Farm tobacco. With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that proportion of each lot of tobacco which the tobacco available for marketing in excess of the farm quota (at the time of issuance of the marketing card) is of the total amount of tobacco available for marketing from the farm. This memorandum of sale issued to identify such marketing of tobacco shall show that portion of such marketing which is subject to penalty, and any portion of such marketing of tobacco which is not shown by the memorandum as being subject to penalty shall be free of penalty.
- b. Dealer's tobacco. Any marketing of tobacco by a dealer which such dealer represents to be a resale, but all or any part of which, when added to prior resales by such dealer as shown on the Dealer's Record, is in excess of the total amount of purchases as shown on such Dealer's Record shall be a marketing of tobacco subject to penalty unless and until the dealer furnishes proof acceptable to the Secretary showing that such tobacco is not subject to penalty. Any marketing of tobacco by a dealer which such dealer represents to be a resale of tobacco previously purchased by him but which, because of the difference in the price at which such tobacco is resold as compared with the price at which he had purchased the tobacco, cannot reasonably be regarded as tobacco previously purchased by him shall be taken to be a marketing of tobacco subject to penalty.
- c. Tobacco not identified by a valid memorandum. Any marketing of tobacco which is not identified by a valid memorandum of sale shall be subject to penalty.
- d. Liability in case of error on memorandum. The person liable for the payment of the penalty upon any marketing of tobacco shall not be relieved of such liability because of any error which may occur on the memorandum of sale.

Sec. 20 Persons to pay penalty. The person to pay the penalty due on any marketing of excess tobacco shall be one of the following as applicable:

- a. Warehousenan. If the tobacco is marketed by the producer through a warehouseman the penalty shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the producer.
- b. Dealer. If the tobacco is acquired from the producer by a dealer, the penalty shall be paid by the dealer who may deduct an amount equivalent to the penalty from the price paid to the producer.
- c. Agent. If the tobacco is marketed by the producer through an agent who is not a warehouseman, the penalty shall be paid by the agent, who may deduct an amount equivalent to the penalty from the price paid to the producer.

- d. Warehouseman and dealer on dealer's tobacco. Any penalty due upon tobacco subject to penalty under paragraph (b) of Section 19 shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the dealer, but the dealer shall not be relieved of responsibility for payment of such penalty.
- e. Producer marketing outside United States. If the tobacco is marketed by the producer directly to any person outside the United States, the penalty shall be paid by the producer.
- f. Producer on behalf of buyer in case of mail order or direct sales in small lots. If the tobacco is marketed in small lots by the producer by mail order sales or directly to various individuals other than dealers, the penalty may be paid by the producer of such tobacco on behalf of the various buyers. In such case the buyer of such tobacco shall be relieved of the penalty to the extent that it is paid by the producer.

Sec. 21 Rate of Penalty. The penalty shall be five cents per pound upon the marketing of any tobacco in excess of the marketing quota for the farm on which the tobacco is produced and on the marketing of any other tobacco not identified under these regulations as being free of penalty.

Sec. 22 Penalty for false identification or failure to account for disposition of tobacco. If any producer falsely identifies or fails to account for disposition of any tobacco, an amount of tobacco equal to the normal yield of the number of acres harvested in 1942 in excess of the farm acreage allotment shall be deemed to have been marketed in excess of the marketing quota for the farm and the penalty in respect thereof shall be paid and remitted by the producer.

Sec. 23 Payment of penalty. Penalties upon the marketing of tobacco shall become due at the time of the marketing and shall be paid by remitting the amount thereof to the applicable field office as shown in the Marketing Quota Instructions, Tobacco 622, not later than the end of the calendar week following the week in which the memorandum of sale was issued, or, in the event a memorandum is not issued, not later than four weeks after the date upon which the tobacco was sold. A draft, money order, or check, payable to the order of the Treasurer of the United States may be used to pay any penalty, but any such draft, or check shall be received subject to payment at par.

Sec. 24 Application for return of penalty. Any producer of tobacco and any other person who bore the burden of the payment of any penalty collected may file an application for return of the amount of such penalty which is in excess of that amount equal to five cents per pound upon the number of pounds marketed in excess of the farm marketing quota. Any application for return of any penalty shall be filed on form Tobacco 624, "Application for Return of Penalty."

An application for the return of penalty filed by any producer of tobacco on a farm on which the tobacco available for marketing is in

excess of the farm marketing quota shall not be approved unless (1) the marketing of tobacco from the farm has been completed and (2) disposition of all unmarketed excess tobacco has been made under the supervision of the county committee (or its representative) and has been approved by the county committee.

Return of penalty collected upon marketings of tobacco from any farm on which the tobacco available for marketing is in excess of the farm marketing quota shall be made only upon the basis of tobacco produced on the farm and, if the county committee has good cause to believe that any of the unmarketed excess tobacco as reported for the farm by the farm operator was not actually produced thereon, the application for such farm shall not be approved with respect to that tobacco which the committee has good cause to believe was not produced on the farm. The county committee shall approve an application for return of penalty only for that number of pounds of unmarketed excess tobacco which the committee determines is representative of the entire amount of tobacco available for marketing from the farm in the 1942-43 marketing year, taking into account the value of the unmarketed excess tobacco (which is disposed of) as appraised by the county committee (or its representative) and the value of tobacco marketed from the farm.

RECORDS AND REPORTS

Sec. 25 Warehouseman's Records and Reports.

a. Record of marketings. Each warehouseman shall keep such records as will enable him to furnish to the Secretary of Agriculture a report of the following information with respect to each sale or resale of tobacco made at his warehouse:

1. The name of the seller (and, in the case of a sale for a producer, the name of the operator of the farm on which the tobacco was produced);
2. The name of the purchaser;
3. The date of sale;
4. The number of pounds sold;
5. The sale price; and
6. The amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer (or a dealer).

All purchases and resales for the warehouse leaf account shall be so identified in the records and a separate account shall be maintained with respect to the amount of floor sweepings picked up and the disposition of such floor sweepings. The quantity of floor sweepings, including bundles, leaves and scrap, picked up by the warehouse after each sale shall be reported in the space provided

- on the Auction Warehouse Report (Tobacco 616). Any warehouseman who grades tobacco for farmers shall maintain a separate account showing the approximate amount of grading house scrap obtained from the tobacco graded from each farm. In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.
- b. Identification of sale on check register. The serial number of the memorandum of sale issued to identify each marketing of tobacco from the farm or the number of the warehouse bill(s) covering each such marketing shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.
 - c. Memorandum of sale record and bill of nonwarehouse sale record. A record in the form of a valid memorandum of sale (or a memorandum of sale cleared without marketing card) shall be obtained by every warehouseman to cover each marketing of tobacco from a farm through the warehouse, and if a warehouseman buys tobacco directly from a farmer (other than at a warehouse auction sale as defined in these regulations) such warehouseman shall obtain a valid memorandum of sale to cover each such purchase of tobacco, together with properly executed Bill of Nonwarehouse Sale (Tobacco 614). Any warehouseman who obtains possession of any grading house scrap in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such scrap tobacco from such farm.
 - d. Suspended sale record. Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "suspended", write thereon the serial number of the suspended sale, and record the bills on the Register of Suspended Sales (Tobacco 612): provided that if a field assistant is not available, the warehouseman may stamp such bills "suspended" and deliver them to a field assistant as soon as one is available.
 - e. Warehouse entries on dealers' records. Each warehouseman shall enter on such Dealer's Record (Tobacco 615) the total of purchases and resales made by such dealer during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1942 the entry on the Dealer's Record shall clearly show such fact.
 - f. Daily report of warehouse business and report of penalties. Each warehouseman shall make reports on form Tobacco 616, Auction Warehouse Report, and on form Tobacco 617, Report of Penalties, showing the information required on the respective reports. Form Tobacco 616 shall be prepared for each sale day and all reports for the sale days occurring during any week shall be forwarded to the Marketing Quota Section not later than the end of the next

following calendar week. Form Tobacco 617 shall be prepared for each week and the report for each week shall be forwarded, together with remittances of the penalties due, as shown thereon, to the Marketing Quota Section not later than the end of the next following calendar week.

- g. Summary of warehouse accounts. Each warehouseman shall assist field assistants to prepare summaries of the warehouse account by making available all records kept and reports made by the warehouse as required by these regulations.
- h. Additional records and reports. In addition to the records and reports provided above, each warehouseman shall keep such additional records and make such additional reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary in order to enforce these regulations.

Sec. 26 Dealer's records and reports. Each dealer, except as provided in Section 27 below, shall keep the records and make the reports as provided by this section.

- a. Report of dealer's name, address and registration number. Each dealer shall properly execute and the field assistant shall detach and forward to the Marketing Quota Section the page "Receipt for Dealer's Record" contained in form Tobacco 615, "Dealer's Record" which is issued to the dealer.
- b. Record and report of purchases and resales. Each dealer shall keep a record and make reports on form Tobacco 615, "Dealer's Record", showing all purchases and resales of tobacco made by the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1942, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1942.
- c. Report of penalties. Each dealer shall make a report on form Tobacco 617 showing the information with respect to all purchases subject to penalty made by him during each calendar week. The penalties listed on each such report shall be remitted with the report.
- d. Memorandum of sale record and Bill of Nonwarehouse Sale record. For each lot of tobacco purchased from a farmer each dealer shall obtain a record in the form of a valid memorandum of sale issued by a field assistant or by an authorized representative of a scrap tobacco receiving point in the case of scrap tobacco sold and delivered to such receiving point. No memorandum of sale shall be issued unless:
 - 1. The farm operator or his authorized agent has signed the "Authorization" on the back of the memorandum; and
 - 2. Unless a properly executed Bill of Nonwarehouse Sale (Tobacco 614) is presented covering such sale.

e. Additional records. Each dealer shall keep such records, in addition to the foregoing, as may be necessary to enable him to furnish the following information with respect to each lot of tobacco purchased or sold by him:

1. The name of the seller (and in the case of a purchase from a producer, the name of the operator of the farm on which the tobacco was produced;
2. The name of the purchaser;
3. The date of the transaction;
4. The number of pounds and the gross sale price; and
5. In the event of resale of tobacco bought by him and carried over from a crop produced prior to 1942, the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the Marketing Quota Section not later than the end of the week following the calendar week covered by the reports.

Sec. 27 Dealers exempt from regular records and reports. Any dealer who does not purchase or otherwise acquire tobacco except at a warehouse sale and who does not resell, in the form in which tobacco ordinarily is sold by farmers, more than ten percent of the tobacco purchased by him, shall not be subject to the provisions of Section 26 of these regulations; but each such dealer shall make such reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary to enforce these regulations.

Sec. 28 Records and reports of truckers, redryers, etc. Every person engaged in the business of trucking tobacco for producers shall keep such records as will enable him to furnish the Secretary of Agriculture a report with respect to each lot of tobacco received by him showing the following information:

1. The name and address of the farm operator;
2. The date of the receipt of the tobacco;
3. The number of pounds received; and
4. The place to which it was delivered.

Every person engaged in the business of redrying, prizing, or stemming tobacco for producers shall keep such records as will enable him to furnish the Secretary of Agriculture a report showing the information provided above for truckers and in addition the purpose for which the tobacco was received, the amount of advance made by him on the tobacco, and the disposition of the tobacco. Each such person shall make such reports to the Secretary of Agriculture as the Chief of the Marketing Quota Section may find necessary to enforce these regulations.

Sec. 29 Separate records and reports from persons engaged in more than one business. Any person who is required to keep any record or make any report as a warehouseman, dealer, processor, or as a person engaged in the business of redrying, prizing, or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged, to the same extent for each such business as if he were engaged in no other business, except that a warehouseman shall not be required to keep a record and make reports on form Tobacco 615, "Dealer's Record", if the transactions which would be recorded and reported on such forms are recorded on the records kept by the warehouse in its regular course of business and reported as required on form Tobacco 616.

Sec. 30 Failure to keep record or make report. Any warehouseman, processor, or common carrier of tobacco, or person engaged in the business of purchasing tobacco from producers, or person engaged in the business of redrying, prizing or stemming tobacco for producers, who fails to make any report or keep any record as required under these regulations, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of \$100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation; Provided, that such fine shall not exceed \$5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or dealer shall be given by the Chief of the Marketing Quota Section.

Sec. 31 Examination of records and reports. For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, any warehouseman, dealer, processor, common carrier or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available for examination, upon written request by the Chief of the Marketing Quota Section, such books, papers, records, accounts, correspondence, contracts, documents and memoranda as he has reason to believe are relevant and are within the control of such person.

Sec. 32 Length of time records and reports to be kept. Records required to be kept and copies of the reports required to be made by any person under these regulations for the 1942-43 marketing year shall be kept by him until September 30, 1944, and for such longer period of time as may be requested in writing by the Chief of the Marketing Quota Section.

Sec. 33 Information confidential. All data reported to or acquired by the Secretary of Agriculture pursuant to the provisions of these regulations shall be kept confidential by all officers and employees of the

Department of Agriculture and only such data so reported or acquired as the Secretary of Agriculture deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.

(SEAL)

Done at Washington, D. C.
this 28th day of Sept. 1942
Witness my hand and the seal of the
Department of Agriculture.

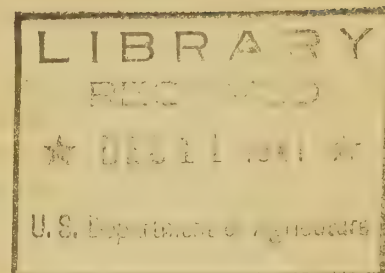
/s/ Grover B Hill
Acting Secretary of Agriculture

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Reserve

Tobacco 603 (Flue-cured)
Part I

Issued November 12, 1941

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION



MARKETING QUOTA REGULATIONS,
FLUE-CURED TOBACCO, 1942-43 MARKETING YEAR

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Acreage Allotments for 1942

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GENERAL

Section 1. Definitions. As used in this procedure and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them, unless the context or subject-matter otherwise requires:

(a) Flue-cured Allotment Procedure for 1942 means this Tobacco 603 (Flue-cured).

(b) Local committee means the county and community committee utilized under the Act. "County committee" or "community committee" shall have corresponding meanings in the connection in which they are used.

(c) New farm means a farm on which tobacco was not produced in any of the 5 years 1937 to 1941 but on which tobacco will be produced in 1942.

(d) Old farm means a farm on which tobacco was produced in one or more of the 5 years 1937 to 1941 and on which tobacco will be produced in 1942.

(e) Operator means the person who, as owner, landlord, or tenant, is in charge of the supervision and the conduct of the farming operations on the entire farm.

(f) State committee means the group of persons so designated within any State to assist in the administration in the State of the Act.

(g) Tobacco means tobacco classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture, as types 11, 12, 13, and 14 and collectively known as flue-cured tobacco.

Sec. 2. Extent of calculations and rule of fractions.

(a) All percentages shall be calculated to the nearest whole percent. Fractions of fifty-one hundredths of one percent or more shall be rounded upward, and fractions of five-tenths of one percent or less shall be dropped. For example, 87.51 percent would become 88 percent and 87.50 percent would become 87 percent.

(b) All acreages shall be calculated to the nearest one-tenth of an acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would become 1.1 and 1.050 would become 1.00.

Sec. 3. Instructions and forms. The Administrator of the Agricultural Adjustment Administration of the United States Department of Agriculture shall cause to be prepared and issued with his approval such instructions and such forms as may be necessary or expedient for carrying out this procedure.

Sec. 4. Applicability of procedure. This flue-cured allotment procedure for 1942 shall govern the establishment of farm acreage allotments for flue-cured tobacco for use in connection with the 1942 Agricultural Conservation Program and in connection with farm marketing quotas for flue-cured tobacco for the marketing year therefor beginning July 1, 1942.

ESTABLISHMENT OF ALLOTMENTS AND YIELDS FOR OLD FARMS

Sec. 5. Acreage allotments for old tobacco farms. The farm acreage allotment for an old farm shall be the 1941 acreage allotment for the farm plus any acreage by which such allotment was reduced because of violation of the 1940 marketing quota regulations unless adjusted in accordance with the procedure listed in Sections 6 and 7 below; Provided, however, that in case farms are retired from Agricultural production either (1) because of their purchase or lease by a State or federal agency for any purpose or (2) because of acquisition for use in connection with the National Defense Program, any tobacco acreage allotted to such farms in 1942 shall be placed in a State pool. Such acreage shall be available for allotment by local committees. A farm shall be eligible for a 1942 allotment from the State pool provided that the 1942 operator of such farm was engaged in the production of tobacco in 1941 on a retired farm (or the county committee determines that he would have engaged in the production of tobacco in 1941 except for the retirement of such farm) for which a 1941 tobacco acreage allotment was established. The acreage allotment for such farm shall be that acreage which the county committee determines to be fair and reasonable for the farm taking into consideration the tobacco producing experience of the farm operator; land, labor and equipment available for the production of tobacco; crop rotation practices; the soil and other physical factors affecting the production of tobacco; and allotments determined for other old tobacco farms in the new community which are similar with respect to such factors. The acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the acreage allotment for the retired farm unless a larger allotment has been previously established for the newly acquired farm in which case the allotment for such farm shall be that acreage previously determined.

Sec. 6. Reduction of acreage allotment for violations of 1941 marketing quota regulations. If tobacco was sold or was permitted to be sold on a marketing card for any farm which was produced on a different farm the acreage allotment for each farm shall be reduced by the amount of tobacco so marketed; provided that such reduction shall not be made if the Secretary through the local committee determines that no person connected with such farm caused, aided, or acquiesced in such marketing. If proof of the disposition of any amount of tobacco produced on a farm is not furnished as required by the Secretary the acreage allotment shall be reduced by such amount of tobacco.

The amount of tobacco involved will be converted to an acreage basis by dividing such amount of tobacco by the 1941 actual yield for the farm.

Sec. 7. Allotments by local committees. An amount not in excess of one-half of one percent of the 1941 acreage allotment for each State will be apportioned to the counties in the State on the basis of the percentage the county acreage allotment is of the State acreage allotment, unless otherwise recommended by the State committee and approved by the Regional Director. The acreage apportioned to the county will be available for allotment by the local committee. A farm shall be eligible for allotment as provided hereunder (1) if the committee finds that the 1941 allotment for the farm is relatively smaller in relation to the land, labor and equipment available for the production of tobacco on the farm than the average of the allotments in relation to the land, labor and equipment available for the production of tobacco on other farms in the county, or (2) if tobacco was harvested on the farm in 1941 and the acreage allotment therefor was zero. In making the adjustment in the farm acreage allotment the local committee shall consider the past acreage of tobacco (harvested and diverted), the land, labor and equipment available for the production of tobacco, and crop-rotation practices. In no event shall the adjustment of the acreage allotment to any farm be more than the larger of ten percent of the 1941 allotment for the farm or five-tenths of an acre; provided that in the case of any farm on which tobacco was harvested in 1941 for which no acreage allotment was established the committee may establish an allotment not exceeding 10 percent of the acreage of tobacco harvested on the farm in 1941.

Any adjustment as provided above shall be subject to the approval of the State committee.

Sec. 8. Reconstituted farms. (1) If land operated as a single farm in 1941 has been subdivided for 1942 into two or more tracts, the 1942 tobacco acreage allotment for the farm shall be apportioned among the tracts in the

same proportion as the acreage of cropland suitable for the production of tobacco on each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year, unless otherwise recommended by the county committee and approved by the State committee.

(2) If two or more farms operated separately in 1941 are combined into a single farm for 1942, the 1942 allotment shall be the sum of the 1942 allotments for each of the farms composing the combination.

Sec. 9. Determination of normal yields. The normal yield for any farm shall be that yield which the local committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the years 1936-1940; (b) the soil and other physical factors affecting the production of tobacco on the farm and (c) the yields obtained on other farms in the locality which are similar with respect to such factors. The weighted average of the normal yields for all farms in each county shall not exceed the yield established for the county in 1941, unless an adjustment for abnormal conditions is made by the Secretary upon recommendation of the State committee.

ACREAGE ALLOTMENTS AND YIELDS FOR NEW FARMS

Sec. 10. Determination of acreage allotments for new farms. The acreage allotment for a new farm shall be that acreage which the local committee determines is fair and reasonable for the farm taking into consideration each of the following factors: The past tobacco experience of the farm operator; the acreage of cropland in the farm suitable for tobacco production; the number of families on the farm available for tobacco production; the acreage capacity of barns which are located on the farm and which are in usable condition and available for the curing of tobacco; the customary crop rotation practices and the adaptability of the soil to the growing of tobacco; provided, that the acreage allotment so determined shall be subject to approval by the State committee and shall not exceed the smallest of (1) one-fifth of the past acreage of tobacco grown by the farm operator 1937-1941; (2) one-half of the acreage capacity of the curing barns which are located on the farm and which are in usable condition and available for the curing of tobacco for the farm, or (3) one acre.

Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless the following conditions have been met:

- (a) The farm operator shall have had two years or more experience in growing tobacco as a share-cropper, tenant, or as a farm operator during the past five years;
- (b) The farm operator shall be living on the farm and largely dependent on this farm for his livelihood;
- (c) The farm covered by the application shall be the only farm owned or operated by the farm operator on which any tobacco is produced;
- (d) No kind of tobacco other than flue-cured will be grown on the farm in 1942.

The acreage allotments established as provided in this section shall be subject to such adjustment as is necessary to bring such allotment in line with the total acreage available for allotments to all new farms. The acreage available for establishing allotments for farms on which no tobacco was grown during the past five years shall be one-tenth of one percent of the national allotment.

Sec. 11. Time for filing application. In order to obtain an allotment for a new tobacco farm in 1942, the operator of the farm shall file an application therefor prior to February 1, 1942.

Sec. 12. Determination of normal yields. The normal yield for a new farm shall be that yield per acre which the local committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

BY VIRTUE OF THE AUTHORITY vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938), as amended, he does hereby make, prescribe, publish and give public notice of the foregoing Part I of the Marketing Quota Regulations for flue-cured Tobacco for the 1942-43 Marketing Year, consisting of procedure for determination of farm acreage allotments, to be in force and effect for said marketing year until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

(SEAL)

Done at Washington, D. C.,
this 12th day of November 1941.
Witness my hand and the seal of
the Department of Agriculture

/S/ Claude R. Wickard
Secretary of Agriculture

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T55To

Reserve Tobacco 603 (Flue-cured)
Part II

Issued July 9, 1942.

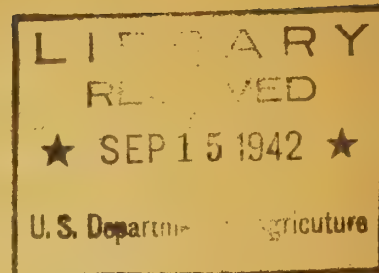
UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT AGENCY

Marketing Quota Regulations
Flue-cured Tobacco - 1942-43 Marketing Year

Part II

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PURSUANT TO THE AUTHORITY vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, public notice is hereby given of Part II of the Marketing Quota Regulations, Flue-cured Tobacco - 1942-43 Marketing Year (Tobacco 603 Flue-cured, as issued by the Secretary of Agriculture on November 12, 1941), which regulations shall be in force and effect until rescinded or suspended or amended or superseded by regulations hereafter made under said Act.

Authority: Sections 1 to 33, inclusive, are issued under authority contained in 52 Stat. 47, 48, 65, 66, 202; 53 Stat. 1261, 1262; 54 Stat. 393, 728; 55 Stat. 88; 7 U. S. C. 1940 ed. 1301 et seq.

GENERAL

Section 1. Definitions. As used in these regulations and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(1) Act means the Agricultural Adjustment Act of 1938 and any amendments thereto.

(2) Authorized representative of the Secretary means the Director, Southern Division, in the case of States in the Southern Region and the Director, and the Chief of the Marketing Quota Section, East Central Division, in the case of States in the East Central Region.

(3) Committee means a committee within a county or community established under the Soil Conservation and Domestic Allotment Act. "County Committee", "Local Committee", or "Community Committee" shall have corresponding meanings in the connection in which they are used.

(4) County office means the office of the County Agricultural Conservation Association, or the county or local committees or employees of such association, according to the sense in which such term is used.

(5) Dealer means a person who engages to whatever extent, in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Bureau of Internal Revenue.

(6) East Central Region means the area included in the States of Delaware, Kentucky, Maryland, North Carolina, Tennessee, Virginia and West Virginia.

(7) Farm means any tract or tracts of land which are considered as a farm under the provisions of the 1942 Agricultural Conservation Program.

(8) Field Assistant means an employee of the Agricultural Adjustment Agency, United States Department of Agriculture, whose duties involve primarily the preparation and handling of auction warehouse and dealer records and reports as they relate to tobacco marketing quotas.

(9) Floor sweepings means all tobacco which is dropped on the warehouse floor in the course of the warehouse operations and is picked up by the warehouseman. Any tobacco accumulated in the course of the grading of tobacco for farmers shall not be included as floor sweepings.

(10) Market means the first disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter or exchange, or by gift inter vivos. "Marketing" and "Marketed" shall have corresponding meanings to the term "market."

(11) Nonwarehouse sale means any marketing of tobacco other than a warehouse sale.

(12) Operator means the person who is in charge of the supervision and the conduct of the farming operations on the entire farm.

(13) Person means an individual, partnership, association, corporation, estate, trust, or any agency of a State or of the Federal Government. The term "person" shall include two or more persons having a joint or common interest.

(14) Pound means that amount of tobacco which, if weighed in its unstermed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight. The weight of redried or prized tobacco shall be increased so as to correspond with the original weight of such tobacco prior to redrying.

(15) Producer means a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm, or in the proceeds of the marketing, under the provisions of his agreement relating to the production of tobacco.

(16) Resale means the disposition by sale, barter, or exchange of tobacco which has been marketed previously.

(17) Sale day means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(18) Scrap tobacco means the residue accumulated in the course of preparing farm tobacco for market consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(19) Secretary of Agriculture means the Secretary or Acting Secretary of Agriculture of the United States.

(20) Southern Region means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(21) State committee or State office means the group of persons comprising the State Agricultural Conservation Committee appointed by the Secretary of Agriculture to assist within any State in the administration of the Soil Conservation and Domestic Allotment Act or the office of such persons.

(22) Suspended sale means any marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the particular sale day on which such marketing occurred.

(23) Tobacco means flue-cured tobacco classified in Service and Regulatory Announcement No. 118 of the Bureau of Agricultural Economics of the United States Department of Agriculture as types 11, 12, 13 and 14, and collectively known as flue-cured tobacco.

(24) Tobacco available for marketing means all tobacco produced on a farm in the calendar year 1942 (and any tobacco produced on the farm prior to the calendar year 1942 and carried over to the 1942-43 marketing year) which is not disposed of by a "Tobacco Carry-over Agreement", by use on the farm, or by storage prior to the issuance of a marketing card for the farm.

(25) Trucker means any person who engages in the business of trucking tobacco to market and selling it for producers regardless of whether the tobacco is acquired from producers by the trucker.

(26) Warehouseman means a person engaged in the business of holding sales of tobacco at public auction at a warehouse during the tobacco marketing season.

(27) Warehouse sale means a marketing by sale at auction through a warehouse in the regular course of business.

Sec. 2. Instructions and forms. The Administrator of the Agricultural Conservation and Adjustment Administration shall cause to be prepared and issued such instructions and such forms as may be deemed necessary or expedient for carrying out these regulations.

Sec. 3. Tobacco subject to marketing quotas. Any tobacco marketed during the period July 1, 1942, to June 30, 1943, inclusive, and any tobacco produced in the calendar year 1942 and marketed prior to July 1, 1942, shall be subject to the marketing quotas for the 1942-43 marketing year.

FARM MARKETING QUOTAS

Sec. 4. Amount of farm marketing quota. The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with Part I of the "Marketing Quota Regulations - Flue-cured Tobacco - 1942-43 Marketing Year" (Tobacco 603 Part I). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1942 times the farm acreage allotment. The excess tobacco on any farm shall be that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1942 times the number of acres harvested in excess of the farm acreage allotment.

Sec. 5. Issuance of marketing card. A marketing card shall be issued for every farm having tobacco available for marketing. The card shall be issued after information required for its preparation (including measurements of the harvested acreage of tobacco and an estimate of the actual production of tobacco) has been furnished to or obtained by the county office. If the farm operator refuses to furnish or prevents the county office from obtaining such information, the card shall show that all of the tobacco available for marketing from the farm is subject to penalty.

- a. Within Quota Marketing Card (MQ-656 Flue-cured). A "Within Quota Marketing Card" authorizing the marketing without penalty of the actual production of tobacco on the farm in the 1942 calendar year and any tobacco carried over from a prior marketing year shall be issued for a farm unless an excess marketing card is required to be issued for the farm in accordance with paragraph b of this section.
- b. Excess Marketing Card (MQ-657 Flue-cured). An "Excess Marketing Card" showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued for a farm under the following conditions:
 - (1) If the harvested acreage of tobacco in 1942 is in excess of the farm acreage allotment and such excess tobacco is not disposed of in accordance with Section 6 hereof, or if the operator of the farm also operates another farm on which the harvested acreage of tobacco in 1942 exceeds the farm acreage allotment and such excess is not disposed of in accordance with Section 6 hereof.
 - (2) If a within quota marketing card could be issued for the farm but the county committee determines that a zero percent excess marketing card is necessary to protect the interest of the government and to insure proper identification of and accounting for the disposition of tobacco produced on the farm and the proper use of the marketing card issued for the farm.
 - (3) If there is tobacco available for marketing from the farm but no tobacco acreage allotment was established and such tobacco is not disposed of as provided in Section 6 hereof.
 - (4) If information required for preparation of the marketing card is not furnished or the county office is prevented from obtaining the necessary information
 - (5) If there is tobacco available for marketing from the farm carried over from a prior marketing year and the harvested acreage in 1942 is not less than the 1942 acreage allotment by an amount equivalent to the acreage of carry-over excess determined as provided in Section 5, c, hereof.
 - (6) If a farm operated by a publicly owned experiment station produces tobacco for other than experimental purposes and such tobacco is not disposed of as provided in Section 6 hereof.
- c. Extent to which marketings from a farm are subject to penalty. The extent to which marketings of tobacco from any farm having no carry-over tobacco are subject to penalty shall be that percentage of the tobacco available for marketing from the farm which the acreage of tobacco harvested in excess of the farm acreage allotment for the farm and not disposed of as provided in Section 6 of these regulations, is of the acreage of tobacco harvested from the farm. Each marketing card showing a percentage excess of zero also shall show

the maximum number of pounds of tobacco which may be marketed thereunder, which shall be the quantity of tobacco estimated by the county committee to be available for marketing from the 1942 crop produced on the farm. For any excess marketing card which shows a percentage of excess of more than zero, the county committee, if it has reason to believe it to be necessary in order to prevent marketing thereunder of tobacco produced on another farm, also shall have shown on the card the maximum number of pounds which may be marketed thereunder, such number of pounds to be determined in the same manner as for a card showing zero percent excess. The maximum number of pounds shown on any excess marketing card shall be increased by the county committee if the committee determines that the quantity of tobacco available for marketing from the 1942 crop produced on the farm is greater than the number of pounds previously estimated by the committee to be available for marketing.

The extent to which marketings of tobacco from any farm having tobacco available for marketing which has been carried over from a prior marketing year are subject to penalty shall be the percentage determined as follows:

1. Determine the number of "carry-over acres" by dividing the number of pounds of tobacco carried over from the prior year by the normal yield for the farm for that year.
 2. Determine the number of "within quota carry-over acres" by multiplying the "carry-over acres" (1 above) by the "percent within quota" (i.e., 100 percent minus the percent excess) for the year in which the carry-over tobacco was produced.
 3. Determine the "total acres" of tobacco by adding the "carry-over acres" (1 above) and the acreage of tobacco harvested in the current year.
 4. Determine the excess acreage by subtracting from the "total acres" (3 above) the sum of the 1942 allotment and the "within quota carry-over acres" (2 above).
 5. Determine the percent excess to be shown on the marketing card by dividing the "total acres" into the excess acreage (4 above).
- d. Number of marketing cards and entries and signatures thereon. One or more marketing cards may be issued for any farm as approved by the county committee. All entries on each marketing card shall be made in accordance with the instructions for issuing the marketing card and the operator's agreement on each marketing card shall be signed by the farm operator or on his behalf by his authorized representative.

Sec. 6. Disposition of excess tobacco. The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by any of the following methods:

- a. By executing a "Tobacco Carry-over Agreement", (Tobacco 628) and delivering, either to the county committee prior to the issuance of the marketing card or to a field assistant at the auction warehouse out of the first proceeds from the marketing of tobacco from the farm, a certified check, cashier's check or post office money order, or by a check drawn by the warehouseman, payable to Commodity Credit Corporation in an amount equal to the estimated actual yield of tobacco from the excess acreage times 85 percent of the parity price of flue-cured tobacco as of the beginning of the 1942-43 marketing year.
- b. By storage of the excess tobacco, the tobacco so stored to be representative of the entire 1942 crop produced on the farm, and posting of a bond or making of other arrangements approved by the county committee and an authorized representative of the Secretary which will guarantee payment of the amount of penalty which will become due upon the marketing of excess tobacco.
- c. By rendering the excess tobacco unmerchantable, the tobacco so rendered unmerchantable to be representative of the entire crop of tobacco produced on the farm in 1942 and the act of rendering the tobacco unmerchantable to be performed only by the farm operator (or his representative) under the supervision of the county committee (or a person designated by the committee).

Sec. 7. Report on marketing card. The operator of each farm on which tobacco is produced in 1942 shall return to the county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty days after the close of the tobacco auction markets for the area in which the farm is located. Failure to return the marketing card to the county office within the time specified (after formal notification) shall constitute failure to give proof of disposition of tobacco marketed from the farm in the event that satisfactory proof of such disposition is not furnished otherwise.

Sec. 8. Additional reports by producers and identification of tobacco. In addition to any other reports which may be required under these regulations, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment and even though no allotment was established for the farm) shall, upon written request by the chairman of the State Committee and within ten days after the deposit of such request in the United States mails addressed to such person at his last known address, furnish the Secretary of Agriculture, by sending the same to the Chairman of the State Committee, a written report showing, as to the farm at the time of filing said report (a) the number of acres of tobacco harvested, (b) the total production of tobacco,

(c) the amount of tobacco on hand and its location, and (d) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of marketing.

Sec. 9. Rights of producers in marketing card. Each producer having a share in the tobacco available for marketing from the farm shall be entitled to the use of the marketing card for marketing his proportionate share of the total amount of tobacco available for marketing from the farm; provided that the burden of any penalty with respect to carry-over tobacco shall be borne by those persons having an interest in such tobacco.

Sec. 10. Successors in interest. Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from the farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

Sec. 11. Person authorized to issue cards. The county committee shall designate one person to sign marketing cards for farms in the county as issuing officer. No marketing card shall be signed by the issuing officer until all other entries required to be made thereon have been made, except that the Operator's Agreement therein may be signed after the issuing officer has signed the card, but prior to the issuance of a memorandum of sale from the card. Only one person shall be designated as issuing officer but such person may, subject to the approval of the county committee, designate not more than three persons to sign his name in issuing marketing cards; provided that each such person shall place his initials immediately beneath the name of the issuing officer as written by him on the card.

Sec. 12. Invalid cards. A marketing card shall be invalid under any of the following conditions:

- a. If it is not issued or delivered in the form and manner prescribed;
- b. If entries are not made thereon as required;
- c. If it is lost, destroyed, stolen, or becomes illegible;
- d. If any erasure has been made;
- e. If any alteration has been made and not properly initialed; or
- f. If the amount due Commodity Credit Corporation with respect to a "Tobacco Carry-over Agreement" is not paid prior to the issuance of any memorandum of sale.

In the event any marketing card becomes invalid (other than by loss, destruction, theft, omission, alteration, or incorrect entry which can

be corrected by a field assistant) the farm operator (or the person having the card in his possession) shall return it to the county office at which it was issued.

If any marketing card is lost, destroyed, stolen, or altered, the person having knowledge of such loss, destruction, theft, or alteration shall notify the county office to that effect, and the county office shall immediately notify the applicable field office.

If any marketing card which was reported as lost, destroyed, stolen, or altered is later received by the county office, the county office shall immediately notify the applicable field office of the receipt of such card.

After receipt of notice of loss, destruction or theft of any marketing card the county office may issue a duplicate marketing card to replace the lost, destroyed, or stolen card in accordance with instructions issued pursuant to these regulations.

In the event any marketing card was improperly issued, has been altered, or becomes illegible, upon the return of the card to the county office a new marketing card shall be issued immediately, or as soon thereafter as the necessary information is available.

If any entry is not made on a marketing card as required (either through omission or incorrect entry) and the proper entry is made by a field assistant then such card shall become valid. If the field assistant is unable to make the proper entry, he shall return the card to the county office where it shall be retained until such entry is made, or a new marketing card is issued, as provided above.

Sec. 13. Additional cards and disposition of used cards. Upon the return to the county office of the marketing card after all the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. Any marketing card issued to replace another card shall have entered thereon the total sales as shown on the marketing card which is replaced.

Sec 14. Report of probable misuse of marketing card. Any information which causes any field assistant, a member of any local committee, or an employee of the county office to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the applicable field office and to the State office.

Sec. 15. No transfers. There shall be no transfer of marketing quotas (except as provided in Part I of these regulations) and the tobacco marketed under the marketing card issued for a farm shall consist only of tobacco produced on the farm.

MARKETING OF TOBACCO AND PENALTIES

Sec. 16. Memorandum of sale to identify every marketing. Each

marketing of tobacco from a farm shall be identified by a memorandum of sale issued from the marketing card (MQ-656 Flue-cured or MQ-657 Flue-cured) for the farm but if a memorandum of sale cannot be obtained within four weeks after the date of the marketing of any tobacco at a warehouse sale, such marketing of tobacco shall be subject to penalty and the amount of penalty shall be shown on the memorandum of sale cleared without marketing card (Tobacco 618). The memorandum of sale shall be issued only by a field assistant, with the following exceptions:

1. A warehouseman, or his authorized representative, who has been authorized on form Tobacco 625, may issue a within quota memorandum of sale to identify a warehouse sale, if a field assistant is not available at the warehouse when the card is presented by the farmer and if no payment to Commodity Credit Corporation under a "Tobacco Carry-over Agreement" is due with respect to the tobacco to be covered by the memorandum. Each memorandum of sale issued by a warehouseman shall be presented promptly by him to the field assistant for verification with the warehouse records.
2. A dealer operating a receiving point for scrap tobacco at a redrying plant (and other regular receiving points operated by such dealer or his agents or employees) or at an auction warehouse, and who keeps records showing the information specified in subsection 26 (f), who has been authorized on form Tobacco 625, may issue a within quota memorandum of sale covering a sale of scrap tobacco if the farm operator has signed the "Authorization" on the back of the memorandum of sale and a Bill of Nonwarehouse Sale (Tobacco 614) has been executed to cover such tobacco.

The authorization to issue within quota memoranda of sale under paragraph 1 or 2 above may be withdrawn from any warehouseman or dealer upon written notice by an authorized representative of the Secretary.

Each excess memorandum of sale, after issuance by a field assistant, shall be checked by the warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed, and the warehouseman or dealer shall be responsible for the correctness of such computations.

If the quantity of tobacco previously identified by memoranda of sale issued from any within quota marketing card is in excess of the number of pounds assigned to the card, the person issuing the memorandum shall require the farm operator to sign the "Operator's Certificate" on the back of the memorandum and if he is satisfied that such signature is the same as the signature of the farm operator on the marketing card, he may issue the memorandum. If any person other than the operator presents the marketing card, the memorandum of sale shall not be issued unless the "Authorization" on the back of such memorandum has been properly executed and signed by the operator. The person who presents

the marketing card may sign on behalf of the farm operator except when such memorandum is to be used to cover a sale of "scrap" tobacco, provided that such person places his address immediately beneath his signature. Any person authorized to issue a memorandum of sale under either of the above described circumstances who has reason to believe that the tobacco to be covered by the memorandum was not produced on the farm for which the marketing card containing the memorandum was issued, may or may not issue the memorandum as he considers advisable, but in either event he shall immediately make a written report of the circumstances in the case to the applicable field office for the belt in which the tobacco is sold.

Sec. 17. Bill of Nonwarehouse Sale. Each marketing of tobacco, except a warehouse sale, shall be identified by a Bill of Nonwarehouse Sale (Tobacco 614) completely executed by the buyer and the farm operator, except for the entry of the serial number of the memorandum of sale. If the Bill of Nonwarehouse Sale is issued to cover scrap tobacco the word "scrap" shall be written thereon immediately above the words "Bill of Nonwarehouse Sale". The post card copy (Tobacco 614a) shall be mailed by the farm operator not later than the day following the day on which executed. The original of each Bill of Nonwarehouse Sale covering any marketing except scrap tobacco shall be presented to a field assistant for issuance of a memorandum of sale (or a memorandum of sale cleared without marketing card) and for recording in the Dealer's Record Book in case of a purchase by a dealer other than a warehouseman. The original of each such Bill of Nonwarehouse Sale shall be forwarded with the applicable Dealer's Record (Tobacco 615).

The original of each Bill of Nonwarehouse Sale covering scrap tobacco shall be delivered to a person at a receiving point who has been authorized to issue memoranda of sale. Such person may issue the memorandum of sale and enter the serial number of such memorandum on the original of the Bill of Nonwarehouse Sale and forward all such bills with the Record of Scrap Tobacco (Tobacco 613) to the applicable field office.

Sec. 18. Marketings free of penalty. Any tobacco marketed from a farm which is identified by a valid memorandum of sale from the marketing card issued for the farm shall be free of penalty to the extent shown by the memorandum of sale.

Sec. 19. Marketings subject to penalty and collection of penalties.

- a. Farm tobacco. With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that proportion of each lot of tobacco which the tobacco available for marketing in excess of the farm quota (at the time of issuance of the marketing card) is of the total amount of tobacco available for marketing from the farm. The memorandum of sale issued to identify such marketing of tobacco shall show that portion of such marketing which is subject to penalty, and any portion of such marketing of tobacco which is not shown by the memorandum as being subject to penalty shall be free of penalty.

- b. Dealer's tobacco. Any marketing of tobacco by a dealer which such dealer represents to be a resale, but all or any part of which, when added to prior resales by such dealer as shown on the Dealer's Record, is in excess of the total amount of purchases as shown on such Dealer's Record shall be a marketing of tobacco subject to penalty unless and until the dealer furnishes proof acceptable to the Secretary showing that such tobacco is not subject to penalty. Any marketing of tobacco by a dealer which such dealer represents to be a resale of tobacco previously purchased by him but which, because of the difference in the price at which such tobacco is resold as compared with the price at which he had purchased the tobacco, cannot reasonably be regarded as tobacco previously purchased by him shall be taken to be a marketing of tobacco subject to penalty.
- c. Tobacco not identified by a valid memorandum. Any marketing of tobacco which is not identified by a valid memorandum of sale shall be subject to penalty.
- d. Liability in case of error on memorandum. The person liable for the payment of the penalty upon any marketing of tobacco shall not be relieved of such liability because of any error which may occur on the memorandum of sale.

Sec. 20. Persons to pay penalty. The person to pay the penalty due on any marketing of excess tobacco shall be one of the following as applicable:

- a. Warehouseman. If the tobacco is marketed by the producer through a warehouseman the penalty shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the producer.
- b. Dealer. If the tobacco is acquired from the producer by a dealer, the penalty shall be paid by the dealer who may deduct an amount equivalent to the penalty from the price paid to the producer.
- c. Agent. If the tobacco is marketed by the producer through an agent who is not a warehouseman, the penalty shall be paid by the agent, who may deduct an amount equivalent to the penalty from the price paid to the producer.
- d. Warehouseman and dealer on dealer's tobacco. Any penalty due upon tobacco subject to penalty under paragraph (b) of Section 19 shall be paid by the warehouseman, who may deduct an amount equivalent to the penalty from the price paid to the dealer, but the dealer shall not be relieved of responsibility for payment of such penalty.
- e. Producer marketing outside United States. If the tobacco is marketed by the producer directly to any person outside the United States, the penalty shall be paid by the producer.

Sec. 21. Rate of Penalty. The penalty shall be ten cents per pound upon the marketing of any tobacco in excess of the marketing quota for the farm on which the tobacco is produced and on the marketing of any other tobacco not identified under these regulations as being free of penalty.

Sec. 22. Penalty for false identification or failure to account for disposition of tobacco. If any producer falsely identifies or fails to account for disposition of any tobacco, an amount of tobacco equal to the normal yield of the number of acres harvested in 1942 in excess of the farm acreage allotment shall be deemed to have been marketed in excess of the marketing quota for the farm and the penalty in respect thereof shall be paid and remitted by the producer.

Sec. 23. Payment of penalty. Penalties upon the marketing of tobacco shall become due at the time of the marketing and shall be paid by remitting the amount thereof to the applicable field or State office as shown in the Marketing Quota Instructions, Tobacco 622, not later than the end of the calendar week following the week in which the memorandum of sale was issued, or, in the event a memorandum is not issued, not later than four weeks after the date upon which the tobacco was sold. A draft, money order, or check, payable to the order of the Treasurer of the United States may be used to pay any penalty, but any such draft, or check shall be received subject to payment at par.

Sec. 24. Application for return of penalty. Any producer of tobacco and any other person who bore the burden of the payment of any penalty collected may file an application for return of the amount of such penalty which is in excess of that amount equal to ten cents per pound upon the number of pounds marketed in excess of the farm marketing quota. Any application for return of any penalty shall be filed on form Tobacco 624, "Application for Return of Penalty."

An application for the return of penalty filed by any producer of tobacco on a farm on which the tobacco available for marketing is in excess of the farm marketing quota shall not be approved unless (1) the marketing of tobacco from the farm has been completed and (2) disposition of all unmarketed excess tobacco has been made under the supervision of the county committee (or its representative) and has been approved by the county committee.

Return of penalty collected upon marketings of tobacco from any farm on which the tobacco available for marketing is in excess of the farm marketing quota shall be made only upon the basis of tobacco produced on the farm and, if the county committee has good cause to believe that any of the unmarketed excess tobacco as reported for the farm by the farm operator was not actually produced thereon, the application for such farm shall not be approved with respect to that tobacco which the committee has good cause to believe was not produced on the farm. The county committee

shall approve an Application for Return of Penalty only for that number of pounds of unmarketed excess tobacco which the committee determines is representative of the entire amount of tobacco available for marketing from the farm in the 1942-43 marketing year, taking into account the value of the unmarketed excess tobacco (which is disposed of) as appraised by the county committee (or its representative) and the value of tobacco marketed from the farm.

RECORDS AND REPORTS

Sec. 25 Warehouseman's Records and Reports.

- a. Record of marketings. Each warehouseman shall keep such records as will enable him to furnish to the Secretary of Agriculture a report of the following information with respect to each sale or resale of tobacco made at his warehouse; (1) the name of the seller (and, in the case of a sale for a producer, the name of the operator of the farm on which the tobacco was produced), (2) the name of the purchaser, (3) the date of sale, (4) the number of pounds sold, (5) the sale price (6) the amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer (or a dealer). All purchases and resales for the warehouse leaf account shall be so identified in the records and a separate account shall be maintained with respect to the amount of floor sweepings picked up and the disposition of such floor sweepings. The quantity of floor sweepings, including bundles, leaves and scrap, picked up by the warehouse after each sale shall be reported in the space provided on the Auction Warehouse Report (Tobacco 616). Any warehouseman who grades tobacco for farmers shall maintain a separate account showing the approximate amount of grading house scrap obtained from the tobacco graded from each farm. In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse records so that the individual lots of tobacco sold by the dealer can be identified.
- b. Identification of sale on check register. The serial number of the memorandum of sale issued to identify each marketing of tobacco from the farm or the number of the warehouse bill(s) covering each such marketing shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.
- c. Memorandum of sale record and bill of nonwarehouse sale record. A record in the form of a valid memorandum of sale (or a memorandum of sale cleared without marketing card) shall be obtained by every warehouseman to cover each marketing of tobacco from a farm through the warehouse, and if a warehouseman buys tobacco directly from a farmer (other than at a warehouse auction sale as defined in these regulations) such warehouseman shall obtain a valid memorandum of sale to cover each such purchase of tobacco, together with properly executed Bill of Nonwarehouse Sale (Tobacco 614). Any warehouseman who obtains possession of any grading

house scrap in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such scrap tobacco from such farm.

- d. Suspended sale record. Any warehouse bills of which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "suspended" write thereon the serial number of the suspended sale, and record the bills on the Register of Suspended Sales (Tobacco 612); provided that if a field assistant is not available, the warehouseman may stamp such bills "suspended" and deliver them to a field assistant as soon as one is available.
- e. Warehouse entries on dealers' records. Each warehouseman shall enter on such Dealer's Record (Tobacco 615) the total of purchases and resales made by such dealer during each sale day at the warehouse. If any tobacco resold by the dealer is tobacco bought by him from a crop producer prior to 1942 the entry on the Dealer's Record shall clearly show such fact.
- f. Daily report of warehouse business and report of penalties. Each warehouseman shall make reports on form Tobacco 616, Auction Warehouse Report, and on form Tobacco 617, Report of Penalties, showing the information required on the respective reports. Form Tobacco 616 shall be prepared for each sale day and all reports for the sale days occurring during any week shall be forwarded to the applicable field office at or before the end of the next following calendar week. Form Tobacco 617 shall be prepared for each week and the report for each week shall be forwarded, together with remittances of the penalties due, as shown thereon, to the applicable field or State office not later than the end of the next following calendar week.
- g. Summary of warehouse accounts. Each warehouseman shall assist field assistants to prepare summaries of the warehouse account by making available all records kept and reports made by the warehouse as required by these regulations.
- h. Additional records and reports. In addition to the records and reports provided above, each warehouseman shall keep such additional records and make such additional reports to the Secretary of Agriculture as an authorized representative of the Secretary may find necessary in order to enforce these regulations.

Sec. 26. Dealer's records and reports. Each dealer, except as provided in Sec. 27 below, shall keep the records and make the reports as provided by this section.

- a. Report of dealer's name, address and registration number. Each dealer shall properly execute and the field assistant shall detach and forward to the applicable field office the page "Receipt for Dealer's Record" contained in form Tobacco 615, "Dealer's Record" which is issued to the dealer.

- b. Record and report of purchases and resales. Each dealer shall keep a record and make reports on form Tobacco 615, "Dealer's Record", showing all purchases and resales of tobacco made by the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1942, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1942.
- c. Report of penalties. Each dealer shall make a report on form Tobacco 617 showing the information with respect to all purchases subject to penalty made by him during each calendar week. The penalties listed on each such report shall be remitted with the report.
- d. Memorandum of sale record and Bill of Nonwarehouse Sale Record. For each lot of tobacco purchased from a farmer each dealer shall obtain a record in the form of a valid memorandum of sale issued by a field assistant or by an authorized representative of a scrap tobacco receiving point in the case of scrap tobacco sold and delivered to such receiving point. No memorandum of sale shall be issued unless: (1) the farm operator or his authorized agent has signed the "Authorization" on the back of the memorandum and (2) unless a properly executed Bill of Nonwarehouse Sale (Tobacco 614) is presented covering such sale.
- e. Record and report of scrap tobacco. Each scrap tobacco receiving point which has been authorized to issue memoranda of sale on form Tobacco 625 shall keep a record and make reports on form Tobacco 613 (or form 41-Tob-63) "Record of Scrap Tobacco", showing all tobacco received. Such report shall be accompanied by Bills of Nonwarehouse Sale, form Tobacco 614, with respect to all tobacco covered by the report.
- f. Additional records. Each dealer shall keep such records, in addition to the foregoing, as may be necessary to enable him to furnish the following information with respect to each lot of tobacco purchased or sold by him: (1) the name of the seller (and in the case of a purchase from a producer, the name of the operator of the farm on which the tobacco was produced), (2) the name of the purchaser, (3) the date of the transaction, (4) the number of pounds and the gross sale price, and (5) in the event of resale of tobacco bought by him and carried over from a crop produced prior to 1942, the fact that such tobacco was so bought and carried over.

All reports shall be forwarded to the applicable field office as shown in the Marketing Quota Instructions, form Tobacco 622, not later than the end of the week following the calendar week covered by the reports.

Sec. 27. Dealers exempt from regular records and reports. Any dealer who does not purchase or otherwise acquire tobacco except at a warehouse sale and who does not resell, in the form in which tobacco ordinarily is sold by farmers, more than ten percent of the tobacco purchased by him, shall not be subject to the provisions of Sec. 26 of these regulations; but each such dealer shall make such reports to the Secretary of Agriculture as an authorized representative of the Secretary may find necessary to enforce these regulations.

Sec. 28. Records and reports of truckers, redryers, etc. Every person engaged in the business of trucking tobacco for producers shall keep such records as will enable him to furnish the Secretary of Agriculture a report with respect to each lot of tobacco received by him showing the name and address of the farm operator, the date of the receipt of the tobacco, the number of pounds received, and the place to which it was delivered. Every person engaged in the business of redrying, prizing, or stemming tobacco for producers shall keep such records as will enable him to furnish the Secretary of Agriculture a report showing the information provided above for truckers and in addition the purpose for which the tobacco was received, the amount of advance made by him on the tobacco, and the disposition of the tobacco. Each such person shall make such reports to the Secretary of Agriculture as an authorized representative of the Secretary may find necessary to enforce these regulations.

Sec. 29. Separate records and reports from persons engaged in more than one business. Any person who is required to keep any record or make any report as a warehouseman, dealer, processor, or as a person engaged in the business of redrying, prizing, or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged, to the same extent for each such business as if he were engaged in no other business, except that a warehouseman shall not be required to keep a record and make reports on form Tobacco 615, "Dealer's Record", if the transactions which would be recorded and reported on such forms are recorded on the records kept by the warehouse in its regular course of business and reported as required on form Tobacco 616.

Sec. 30. Failure to keep record or make report. Any warehouseman, processor, or common carrier of tobacco, or person engaged in the business of purchasing tobacco from producers, or person engaged in the business of redrying, prizing or stemming tobacco for producers, who fails to make any report or keep any record as required under these regulations, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under these regulations within fifteen days after notice to him of such violation shall be subject to an additional fine of \$100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation; Provided, that such fine shall not exceed \$5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him, or both. Notice of any violation by a tobacco warehouseman or dealer shall be given by an authorized representative of the Secretary.

Sec. 31. Examination of records and reports. For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report, but not so furnished, any warehouseman, dealer, processor, common carrier or person

engaged in the business of redrying, prizing or stemming tobacco for producers shall make available for examination, upon written request by an authorized representative of the Secretary, such books, papers, records, accounts correspondence, contracts, documents and memoranda as he has reason to believe are relevant and are within the control of such person.

Sec. 32. Length of time records and reports to be kept. Records required to be kept and copies of the reports required to be made by any person under these regulations for the 1942-43 marketing year shall be kept by him until June 30, 1944, and for such longer period of time as may be requested in writing by an authorized representative of the Secretary.

Sec. 33. Information confidential. All data reported to or acquired by the Secretary of Agriculture pursuant to the provisions of these regulations shall be kept confidential by all officers and employees of the Department of Agriculture and only such data so reported or acquired as the Secretary of Agriculture deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.

Done at Washington, D. C.
this 9th day of July 1942.
Witness my hand and the seal of
the Department of Agriculture.

(SEAL)

/s/ Grover B. Hill
Acting Secretary of Agriculture

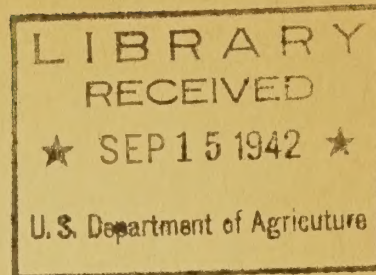
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Tobacco 603 (Flue-Cured) - Supplement 1
Part II
Reserve

Issued Aug. 27, 1942

U. S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT AGENCY

Supplement 1 to Marketing Quota
Regulations, Flue-cured Tobacco -
1942-43 Marketing Year



PURSUANT TO THE AUTHORITY vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938, as amended, public notice is hereby given of this Supplement 1 to Part II of the Marketing Quota Regulations, Flue-cured Tobacco - 1942-43 Marketing Year (Tobacco 603 Flue-cured, as issued by the Secretary of Agriculture on November 12, 1941), which regulations and Supplement 1 thereto shall be in force and effect until rescinded or suspended or amended or superseded by regulations hereafter made under said Act.

Authority: 54 Stat. 393, 7 U.S.C. 1940 ed. 1314(c).

Section 6 of Tobacco 603 Flue-cured, Part II, Marketing Quota Regulations, Flue-cured Tobacco, 1942-43 Marketing Year, is amended by adding at the end thereof the following paragraph:

- "d. By payment to the county office by certified check, cashier's check, or money order drawn payable to the Treasurer of the United States of an amount equal to 10 cents per pound times the estimated actual production of the excess acreage of tobacco harvested from the farm. Any additional amount of penalty due after the actual yield for the farm has been determined shall be paid by the operator not later than 20 days after receipt of notice of such additional penalty from the county office. This subsection d shall apply only in the event that the acreage harvested in excess of the allotment does not exceed the larger of two-tenths acre or 10 percent of the farm acreage allotment."

(Seal)

Done at Washington D. C.
this 27th day of August 1942.
Witness my hand and the seal of
the Department of Agriculture.

/s/ Grover B. Hill
Acting Secretary of Agriculture

